APPROPRIATIONS, BUDGET ESTIMATES, ETC.

STATEMENTS

NINETY-EIGHTH CONGRESS, SECOND SESSION

(January 23, 1984 to October 12, 1984)

SHOWING

I.—APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE NINETY-EIGHTH CONGRESS IN REGULAR ANNUAL, SUPPLEMENTAL, AND MISCELLANEOUS APPROPRIATION ACTS; RESCISSION ACTS; DEFERRAL RESOLUTIONS; AND MAJOR ACTS AUTHORIZING APPROPRIATIONS (pp. 1-1767)

II.—PERMANENT APPROPRIATIONS—FEDERAL FUNDS (pp. 1769-1781)

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VI.—AMOUNT OF LOAN AND BORROWING AUTHORIZATIONS, CONTRACT AUTHORIZATIONS, AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS (pp. 1817-1821)

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IX.—COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 1967-1973)

X.—TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 1975-1983)

PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

BY

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House of Representatives

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COMPILERS' NOTES

1. The Legislative Appropriation Act approved June 7, 1924, provided:

"In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary."

Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

2. This compilation contains laws affecting, rescinding, or making appropriations which were enacted during the second session of the 98th Congress with the exception of private relief acts containing appropriations. These acts have been omitted from this compilation, but a summary containing the number of the act, the beneficiaries, and the amount appropriated is included.

There were *thirty* appropriation bills and resolutions acted upon to some extent by the Congress during the second session of the 98th Congress (twenty-four were House bills and six were Senate bills) and thirteen of those bills eventually became law (ten regular annual appropriation acts, three supplementals, and five continuing resolutions). *Eight* of the thirteen regular annual appropriation bills did not become law except through the continuing resolution process: *H.R. 5743*—Agriculture, Rural Development, and Related Agencies Appropriations for 1985 did not advance in the legislative process beyond the filing of a conference report in the House; *H.R. 6329*—Department of Defense Appropriations for 1985 was reported by the House Committee on Appropriations while a companion bill (S. 3026) was reported by the Senate Committee on Appropriations with no further action taken on either bill; *H.R. 5899*—District of Columbia Appropriations for 1985 did not advance in the legislative process beyond the filing of a conference report in the House; *H.R. 6237*—Foreign Assistance and Related Programs Appropriations for 1985 was reported by the House Committee on Appropriations while a companion bill (S. 2793) was reported by the Senate Committee on Appropriations with no further action taken on either bill; *H.R. 5973*—Department of the Interior and Related Agencies Appropriations for 1985 passed the House and was considered by the full Senate but was not voted on by that body; *H.R. 5898*—Military Construction Appropriations for 1985 passed the House and was reported by the Senate Committee on Appropriations but was not considered by the full Senate; *H.R. 5921*—Department of Transportation and Related Agencies Appropriations for 1985 was reported by the House Committee on Appropriations and superseded an earlier bill, H.R. 5813, previously reported by the Committee while a separate bill (S. 2852) was reported by the Senate Committee on Appropriations but no further action was taken on any of those bills; and *H.R. 5798*—Treasury, Postal Service and General Government Appropriations for 1985 advanced to the point where the conference report was adopted by the House but was not taken up by the Senate.

In addition to the *eight* annual appropriation acts that were not enacted into law, *one* supplemental (H.J. Res. 517) was passed by the House and ordered placed on the calendar in the Senate while *another* supplemental (H.R. 5564) was reported by the House Committee on Appropriations but did not advance further in the legislative process. A chronology of all thirty bills is included in table V of this volume (see pp. 1808–1815).

Financing of programs and activities normally included in the eight regular annual appropriation bills that did not become law is provided through five continuing resolutions as follows:

—Public Law 98-441 for the period October 1–October 3, 1984;
—Public Law 98-453 for the period October 4–October 5, 1984;
—Public Law 98-455 for the period October 6–October 9, 1984;
—Public Law 98-461 for the period October 10–October 11 1984; and
—Public Law 98-473 for the period October 12, 1984–September 30, 1985.

For further information concerning each of the eight regular annual appropriation bills that did not become law, see the "note" at the beginning of each of those bills (pp. 73, 131, 133, 165, 193, 243, 245, and 247).

There were no separate "rescission acts" or "deferral resolutions" during the 98th Congress, second session; however, several rescissions and one deferral were included in appropriation acts. It should be noted that amounts *proposed* for rescission are not reflected in the *net totals* for new budget (obligational) authority shown in the various tabulations throughout this volume whereas *amounts rescinded are reflected* in those totals.

3. This volume also contains various comparative tabulations for the session showing, by fiscal years and in both detailed and summarized form, the Presidential budget estimates (requests) for "appropriations" and certain other types of requests involving the appropriation of obligating and spending authority.
4. While required by the Constitution as a necessary prerequisite to the withdrawal of *any* money from the Treasury, through long usage the term "appropriation" acquired a definite, technical word-of-art meaning in relating to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations of congressional fiscal actions. If the proposition did not "appropriate" within the concept thus imparted to the term, then it was not added in the "appropriation" totals. If it did so "appropriate", it was added in.

Thus, in congressional tabulations generally, a "reappropriation" (extension) of a balance of a previous appropriation was not added to the "appropriation" totals even though it provided obligational and spending authority beyond what would in its absence have been the case. An "authorization to expend from debt receipts" (sometimes called "public debt borrowing authority") was not counted as an "appropriation" even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation ("contract authorization"), being authority to obligate the Government but not to *expend* money, was not added in the general "appropriation" totals. But a subsequent "appropriation to liquidate" that contract authorization—an authority to expend money but not to create additional obligations—was counted as an "appropriation".

Furthermore, historically, prior to fiscal year 1969 the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal or Federally-owned funds, as distinct from *trust* funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture they subsequently came to loom large, and while *separately* tabulated and noted in volumes of this work *previous* to the 90th Cong., 2d sess., they were not included in the aggregate totals, of "appropriations" generally emphasized and cited. (See note, table X, in volumes *prior* to the 90th Cong., 2d sess.). But in subsequent volumes, including this volume, they *are* incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term "appropriations" includes, in appropriate context "* * * funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes *prior* to the 90th Cong., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental "appropriation" acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not cranked directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess. This especially affects tables VIII, IX, and X. To retain some consistency of ready identity as between amounts relating to the regular annual and supplemental "appropriation" acts and amounts relating to "appropriations in legislative acts", there is a breakout among these lines in each of these three tables (in some years, the "legislative act" amounts are quite significant, relatively. And sometimes, it is not easy or possible to nail down with absolute precision the amounts involved in the "budget estimates" or the amounts "appropriated"). The total new budget (obligational) authority in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, *unified* budget concept recommended by the President's Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a *single* concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to "appropriations".

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to "appropriations," pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)

Thus, in lieu of the terms "Estimates" and "Appropriations" used in volumes previous to the 90th Cong., 2d sess., subsequent volumes, including this volume, use the terms "Budget estimates of new (obligational) authority" and "New budget (obligational) authority appropriated." In broad terms, by far the major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of *trust* funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of *previous* sessions that thus do not require action in bills of the *current* session). And even under the new concept, in all but a relative handful of instances, the new budget (obligational) authority "requested" and "appropriated" is in the old, conventional "appropriation" form as previously used and understood.

Specifically, "new budget (obligational) authority" is derived by—

Appropriations (as herein above described) excluding appropriations to liquidate contract authorizations; plus
Reappropriations; plus
Contract authorizations; plus
Authorizations to spend from debt receipts.

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that get counted in both places. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. And under the new unified concept, certain "proprietary receipts form the public" are offset against budget authority *for budget summary presentation* purposes. This situation can complicate if a simple addition of Federal fund totals and trust fund totals is made without reckoning with this "deduct" problem. [Note.—The aggregate "deduct" figure of $183,164,276,000 for fiscal year 1985 used in several of the summary tables in this volume is the *estimated* amount relating to fiscal year 1985 shown on page 9-4 of the Budget for 1985. Being an estimate, the "deduct" figure *is subject to revision* as actual data become available; and an updated amount for fiscal 1985 will appear in the budget for 1986.]

5. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, changed the fiscal year from the July 1—June 30 fiscal year to an October 1—September 30 fiscal year, and provided for the change to take place with the fiscal year beginning October 1, 1976 (Fiscal Year 1977). However, the preceding fiscal year (1976) ran from July 1, 1975 through June 30, 1976, thus providing a three-month interim period (July 1—September 30, 1976) for the necessary transition to the new fiscal year. This volume and the seven previous volumes are based upon the October 1—September 30 fiscal year.

Title X (the "Impoundment Control Act of 1974") of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1984 and the first 3 months of fiscal year 1985.

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[1] Majority and minority members elected January 3, 1983.

[2] Majority and minority members elected January 6, 1983.

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I. APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE NINETY-EIGHTH CONGRESS IN REGULAR ANNUAL, SUPPLEMENTAL, CONTINUING, AND MISCELLANEOUS APPROPRIATION ACTS; RESCISSION ACTS; DEFERRAL RESOLUTIONS AND MAJOR ACTS AUTHORIZING APPROPRIATIONS

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Public Law 98–248

98th Congress, H.J. Res. 493

March 30, 1984

JOINT RESOLUTION

Making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $200,000,000. $200,000,000

That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $90,000,000, of which $90,000,000 is hereby appropriated; and in addition not to exceed $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by section 101(b) of Public 90,000,000

Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

Approved March 30, 1984.

LEGISLATIVE HISTORY—H.J. Res. 493:

HOUSE REPORTS: No. 98-605 (Comm. on Appropriations) and No. 98-632 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 130 (1984):
- Feb. 29, reported in the House.
- Mar. 6, passed House.
- Mar. 8, reported in the Senate (no written report).
- Mar. 15, passed Senate, amended.
- Mar. 21, House agreed to conference with Senate.
- Mar. 22, conference report filed in the House.
- Mar. 27, House and Senate agreed to conference report.

Grand total, new budget (obligational) authority, Urgent Supplemental Appropriations for the Department of Health and Human Services, 1984 .... $290,000,000

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1984

Public Law 98–332

98th Congress, H.J. Res. 492

July 2, 1984

JOINT RESOLUTION

Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $60,000,000, of which $60,000,000 is hereby appropriated and made available through March 31, 1985; and in addition not to exceed $90,000,000, shall be available through September 30, 1985, from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

$60,000,000

90,000,000 (from CCC inventory)

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $545,544,000. 545,544,000

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Feeding Program for Women, Infants, and Children (WIC)", $300,000,000. 300,000,000

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in Public Law 98-151, for fiscal year 1984, $1,610,000,000 shall be made available for low-income borrowers and $690,000,000 shall be made available for very low-income borrowers: *Provided*, That up to $230,000,000 may be transferred from low income amounts to very low income amounts if the Secretary certifies that qualified applicants are available. *$1,610,000,000 (from amounts previously available)*

[Total, Department of Agriculture:

[New budget (obligational) authority .... $905,544,000.]
[By transfer from CCC inventory .... 90,000,000.]
[By transfer from amounts available .... 1,610,000,000.]

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $850,000 for reimbursement for activities carried out during the 1984 International Games for the Disabled. 850,000

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, for the period August 1, 1984, through September 30, 1984: *Provided*, That any unobligated amounts already appropriated under Public Law 98-78 shall remain available until September 30, 1984. 2,000,000

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Notwithstanding current administrative procedures, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement immediately nonstructural flood control measures such as relocation sites, flood proofing and flood plain acquisition and evacuation as described in the General Plan for Section 202 Program Implementation prepared by the Ohio River Division in April 1982 and as authorized by section 202 of Public Law 96-367: *Provided*, That there is hereby appropriated $21,000,000 to remain available until expended for the purposes of this paragraph. 21,000,000

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC SUPPORT FUND

Notwithstanding section 660 of the Foreign Assistance Act of 1961, for an additional amount for necessary expenses for assistance to the Government of El Salvador to protect jurors and other key participants in the criminal proceedings against those charged with the murders of four American churchwomen, during and subsequent to such proceedings, $500,000. 500,000

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $61,750,000: *Provided*, That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: *Provided further*, That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report— $61,750,000

(1) stating his determination that the Government of El Salvador has demonstrated progress toward land reform, free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

(2) describing the progress made in—

(A) the development of an effective medical evacuation and training system for El Salvador;

(B) the training of the Armed Forces of El Salvador;

(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

(D) the acquisition and support of tactical communications and the upgrading and modification of the national strategic communications network; and

(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States:

Provided further, That 60 days after the date of enactment of this joint resolution and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $7,000,000: *Provided*, That such sum shall be available only for assistance to displaced persons in El Salvador. 7,000,000

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1984 (Public Law 98-146), $1,000,000 shall be made available to the State of Montana for *1,000,000 (within amounts available)* reclamation grants pursuant to section 402(g)(2) of Public Law 95-87 for reclamation of the Colorado Tailings site in Montana.

DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and employment services", $100,000,000, for the summer youth employment and training program: *Provided*, That the amount appropriated hereunder shall be allocated to States so that each service delivery area composed (in whole or in part) of a geographic area served by a prime sponsor under the Comprehensive Employment and Training Act receives, as nearly as possible, an amount equal to at least 90 per centum of the amount received for the comparable geographic area for the summer youth program under such Act for the summer of 1983. $100,000,000

SENATE

Contingent Expenses of the Senate

STATIONERY (REVOLVING FUND)

To provide additional capital for the revolving fund established by the last paragraph under the heading "CONTINGENT EXPENSES OF THE SENATE" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a-1), $61,000. 61,000

DEPARTMENT OF THE TREASURY

United States Customs Service

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for the acquisition (purchase of up to eight) of high-performance, interceptor/tracker aircraft and other related equipment for drug interdiction purposes, $25,000,000, to remain available until expended: *Provided*, That such aircraft be purchased through an open, competitive procurement. 25,000,000

SALARIES AND EXPENSES

Notwithstanding any other provision of law, the Customs district headquartered at Bridgeport, Connecticut, shall be maintained as a Customs district until October 1, 1984, covering the same territory as covered by such district on January 1, 1984.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated for the fiscal year 1984 to carry out chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 or made available under the Arms Export Control Act may be available for Panama on or after any date of disruption or cancellation by the Armed Forces of Panama of the general elections scheduled for May 6, 1984.

SEC. 104. Deferral No. D84-50, submitted to the Congress on February 22, 1984, to defer $14,000,000 in funds provided in Public Law 98-146 for construction of the Cumberland Gap Tunnel and related activities, is hereby disapproved. *14,000,000 (deferral disapproval)*

COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

SEC. 106. (a) The Secretary of Agriculture shall utilize the authorities provided in the Charter of the Commodity Credit Corporation to expand the export of United States agricultural commodities through competitive sales, including shipping costs and credit terms, and donations as authorized by law. In carrying out the authorities and responsibilities imposed by the Charter, the Secretary shall assist in the financing of export sales of United States agricultural products, either through direct or guaranteed loans. The Secretary shall use the Commodity Credit Corporation, a revolving fund capitalized at $25,000,000,000, to make available under the export credit program carried out by the Corporation short-term credit to finance export sales of United States agricultural commodities, and shall also use such other authorities as necessary to regain the rightful share of world markets for United States agricultural commodities.

(b) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

$5,000,000,000 (export credit guarantees, fiscal year 1985)

(c) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

(1) the $4,000,000,000 of guarantee authority available for fiscal year ending September 30, 1984, and

(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985.

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns. Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credits under the GSM-5 program is provided) will be made available.

SEC. 108. Within 120 days of the enactment of this legislation, the President shall transmit to Congress a classified and unclassified version of a report on the whereabouts of military equipment transferred since 1980 from the United States to the Government of El Salvador, and the whereabouts of Salvadoran military personnel trained with United States military aid funds.

SEC. 109. If at any time following the appropriation of funds herein the duly elected President of El Salvador should be prevented from taking office by military force or military decree or after taking office shall be deposed by military force or military decree, all funds appropriated herein for El Salvador and not theretofore obligated or expended shall not thereafter be available for obligation or expenditure unless reappropriated by Congress.

SEC. 110. On Sunday, March 25, 1984, a remarkable exercise in democracy in the conduct of a free and honest election within the Republic of El Salvador took place, with approximately 70 percent participation by eligible voters despite intense guerrilla efforts to intimidate and to sabotage the election.

Since the success of the Government of El Salvador in the conduct of this election against the guerrilla efforts to disrupt and invalidate it depended both upon the courage, good spirits and determination of the Salvadoran people to freely choose their President and Vice President, and upon the ability of Salvadoran armed forces to safeguard voters and election officials against the guerrillas.

Since within 30 days of certification of the results of the March 25 election a runoff election is required under the Salvadoran Constitution and election law, since no candidate won a majority of the vote at the March 25 election.

Since the armed forces of El Salvador, unless immediately resupplied by the United States with equipment arms and ammunition which are in critically short supply, are threatened with being unable to provide the same needed protection for the runoff election, and with suffering generally a dangerously reduced capacity to safeguard the Salvadoran people against the terrorism of the guerrillas.

Therefore, the Senate finds that the policy of the United States should be to immediately provide such additional equipment, arms, and ammunition as will allow the armed forces of El Salvador to provide needed protection to the Salvadoran people both at the runoff election and in their daily lives; and ultimately to so suppress guerrilla terrorism as to make possible the revival of economic activity with El Salvador.

SEC. 113. (a) Notwithstanding any other provision of law, organizations reporting to the Assistant Secretary of Interior for Fish and Wildlife and Parks shall enter into contracts which result in releasing or transferring any Federal employees or liquidating any equipment or materials as a result of complying with the Office of Management and Budget Circular A-76 for the 62 activities scheduled for review by the National Park Service by March 30, 1984, and the 94 activities scheduled for review by the United States Fish and Wildlife Service by September 30, 1984, only after the following conditions have been met:

(1) the study supporting each contract required by the Office of Management and Budget Circular A-76 is completed, including the bidding process and review of bids;

(2) the organizations have had 30 days to review the bid results and to transmit recommendations to the appropriate House and Senate Committees as to which activities should be contracted; and

(3) 30 days have elapsed since the transmittal required by paragraph (2).

(b) All recommendations to be submitted shall be submitted by October 30, 1984.

(c) The organizations shall not solicit bids related to other Circular A-76 reviews before January 30, 1985.

[*Total, General Provisions:*

[*Deferral disapproval*	*$14,000,000.*]
[*Export credit guarantees, 1985*	*5,000,000,000.*]

Approved July 2, 1984.

LEGISLATIVE HISTORY—H.J. Res. 492

HOUSE REPORTS: No. 98-604 (Comm. on Appropriations) and No. 98-792 (Comm. of Conference).
SENATE REPORT No. 98-365 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 6, considered and passed House.
Mar. 22, 26-30, Apr. 2-5, considered and passed Senate, amended.
May 24, House agreed to conference report, and concurred in certain Senate amendments and in others with amendments.
June 25, Senate agreed to conference report, concurred in House amendments, and tabled Senate amendment no. 14.
June 26, House concurred in Senate action.

Grand total:		
Definite appropriations	$1,123,705,000	
From CCC inventory	*(90,000,000)*	
From amounts available	*(1,611,000,000)*	
Deferral disapproval	*(14,000,000)*	
Export credit guarantees, FY 1985	*(5,000,000,000)*	
Total, new budget (obligational) authority, Urgent Supplemental Appropriations for the Department of Agriculture, 1984		$1,123,705,000

NOTE—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made or rescinded or deferred in the foregoing joint resolution:

Department or establishment	Amount
Department of Agriculture:	
New budget (obligational) authority	$905,544,000
From CCC inventory	*(90,000,000)*
From amounts available	*(1,610,000,000)*
Export credit guarantees, FY 1985	*(5,000,000,000)*
United States Information Agency	850,000
Civil Aeronautics Board	2,000,000
Corps of Engineers—Civil	21,000,000
Foreign Operations	69,250,000
Department of the Interior:	
Within amounts available	*(1,000,000)*
Deferral disapproval	*(14,000,000)*
Department of Labor	100,000,000
Legislative Branch	61,000
Department of the Treasury	25,000,000
RECAPITULATION	
Grand total:	
New budget (obligational) authority	1,123,705,000
From CCC inventory	*(90,000,000)*
From amounts available	*(1,611,000,000)*
Deferral disapproval	*(14,000,000)*
Export credit guarantees, FY 1985	*(5,000,000,000)*

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Public Law 98-396

98th Congress, H.R. 6040

August 22, 1984

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, $50,200,000, to remain available until expended. $50,200,000

The Secretary of Agriculture may transfer the public use restrictions on land conveyed to Oklahoma State University in 1954 from that land to land of equal or greater value, as determined by the Secretary.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $1,500,000. 1,500,000

AGRICULTURAL MARKETING SERVICE

None of the funds appropriated or made available under this or any other Act for fiscal year 1984 may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

FEDERAL CROP INSURANCE CORPORATION

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for additional capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act (7 U.S.C. 1504), $50,000,000.

$50,000,000
(subscription to capital stock)

FARMERS HOME ADMINISTRATION

PREVENTING FARM FORECLOSURES

The $250,000,000 transferred to insured and guaranteed operating loans on July 9, 1984, by the Secretary of Agriculture is available to prevent foreclosure of farm loans through extending the period of repayment of existing loans or refinancing of loans, or other means, as authorized by 7 U.S.C. 1981a.

Should such sum be insufficient to meet the need to extend or to refinance farm loans to avoid foreclosure, the Commodity Credit Corporation has authority under law to provide this type of financial assistance in order to protect farm income and provide for adequate supplies of food and fiber as authorized by 15 U.S.C. 714.

AGRICULTURAL CREDIT INSURANCE FUND

Additional loans may be insured or guaranteed, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928-1929, as follows: farm ownership loans, $25,000,000; and guaranteed operating loans, $150,000,000, to remain available until September 30, 1985.

25,000,000
(loan authority)
$150,000,000
(loan authority)

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $15,000,000, to remain available until September 30, 1985.

15,000,000

[*Total, Farmers Home Administration:*
[*New budget (obligational) authority* .... *$15,000,000.*]
[*Loan authority* .... *175,000,000.*]

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), $12,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

12,000,000

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency measures as provided by sections 401, 402, and 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $12,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

12,000,000

1985 WHEAT PROGRAM

Notwithstanding any other provision of law, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program", $700,000,000. $700,000,000

FOOD DONATIONS PROGRAMS

Funds provided for the "Food donations programs" for 1984 shall remain available until September 30, 1985.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms, pursuant to titles I and III of said Act, $175,000,000, of which $175,000,000 is hereby appropriated, to remain available until September 30, 1985. 175,000,000

[Total, Department of Agriculture:

[New budget (obligational) authority	*$1,015,700,000.]*
[Appropriations	*965,700,000.]*
[Subscription to capital stock	*50,000,000.]*
[Loan authority	*175,000,000.]*

RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $13,867,000, to remain available until expended. 13,867,000

[Total, Chapter I:

[New budget (obligational) authority	*$1,029,567,000.]*
[Appropriations	*979,567,000.]*
[Subscription to capital stock	*50,000,000.]*
[Loan authority	*175,000,000.]*

CHAPTER II

DEPARTMENT OF COMMERCE

General Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,700,000, to remain available until expended.

$3,700,000

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $26,000,000, to remain available until expended, pursuant to 42 U.S.C. 3151(f) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University in the State of Massachusetts, for the construction and related costs of the university engineering and technical training center.

26,000,000

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $9,255,000, to remain available until expended: *Provided*, That $750,000 shall be made available to the Year of the Ocean Foundation, of which $250,000 shall be made available contingent on a matching fund basis from private sources.

9,255,000

National Bureau of Standards

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $4,900,000, to remain available until expended.

4,900,000

[*Total, Department of Commerce, $43,855,000.*]

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

OPERATIONS AND TRAINING

For an additional amount for "Operations and training", $2,500,000, to remain available until expended: *Provided*, That these funds shall be made available to the "Association for the Preservation of the Yacht, Potomac" only when matched by an additional $2,500,000 in contributions from State or local governments or private sources. In addition, for the acquisition and preconversion costs for a training vessel to be used at the State University of New York Maritime College, $8,500,000, to remain available until expended, of which not to exceed $1,000,000 shall be used for preconversion costs: *Provided further*, That these funds shall be made available for obligation six months following the enactment of this Act only if a suitable surplus vessel has not been made available to the State University of New York Maritime College: *Provided further*, That all appropriate Federal agencies are hereby authorized

2,500,000

8,500,000

and shall expedite making any vessel of this class available which is declared surplus by a Federal agency and that upon the bona fide sale, approved by the Maritime Administration, of the current schoolship utilized by the State University of New York Maritime College, the proceeds of such sale shall be applied by the Maritime Administration toward the rehabilitation of the schoolship acquisition provided for herein.

[*Total, Maritime Administration, Operations and Training, $11,000,000.*]

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $250,000. $250,000

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000. 500,000

[*Total, Related Agencies, $11,750,000.*]

[*Total, Department of Commerce and Related Agencies, $55,605,000.*]

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

In the appropriation language under this head in Public Law 98-166, delete "of which $556,000 is to remain available until expended for the Federal Justice Research Program".

WORKING CAPITAL FUND

For additional capital, $800,000, to remain available until expended and to be derived from current operating income.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $449,000. 449,000

GENERAL LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $7,882,000: *Provided,* That of amounts appropriated under this head for fiscal year 1984, not to exceed $10,374,000 for litigation support contracts shall remain available until September 30, 1985. 7,882,000

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", $4,936,000 of which $3,855,000 is to 1,081,000

3,855,000
(by transfer)

be derived by transfer from "Support of United States Prisoners": *Provided,* That $1,100,000 shall remain available until September 30, 1985, for the United States Attorney's office in the District of Columbia for the purpose of relocating, renovating, installing equipment, and renting space: *Provided further,* That $1,436,000 shall be available until September 30, 1985, for the purpose of paying salaries and expenses of employees supporting the District of Columbia Superior Court.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States Prisoners", $5,000,000, to remain available until expended: *Provided,* That this amount shall be for the Cooperative Agreement Program and shall be subject to the same terms and conditions applicable to this program in Public Law 98-166 under the heading "Support of United States Prisoners". In addition to the amount made available in the appropriation under this head, the language governing the Cooperative Agreement Program for fiscal years 1982, 1983, 1984, and 1985, and hereafter is amended to permit State and local jail systems to renovate, construct, and equip facilities that will house non-Federal prisoners: *Provided,* That such expenditure is made under agreements with State and local jail systems which make space of equal or greater value available to house Federal prisoners than would otherwise have been provided under the conditions established by the relevant appropriations Acts. $5,000,000

FEES AND EXPENSES OF WITNESSES

Funds appropriated under this head in Public Law 98-166 shall be available for use of facilities required as command posts in the protection of witnesses, and for official phone calls made from command posts.

Of funds appropriated under this head in Public Law 98-166, not to exceed $850,000 shall be available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites.

[*Total, General Legal Activities:*
[*New budget (obligational) authority* .... *$13,963,000.*]
[*By transfer* .... *3,855,000.*]

Interagency Law Enforcement

ORGANIZED CRIME DRUG ENFORCEMENT

Of funds available under the above head, $10,692,000 for purchase of automated data processing and telecommunication equipment and $7,773,000 for undercover operations shall remain available until September 30, 1985.

Federal Prison System

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, Federal Prison System" $15,760,000, of which $8,500,000 shall be available until September 30, 1985. 15,760,000

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for "National Institute of Corrections", $3,300,000, to remain available until expended. $3,300,000

[*Total, Federal Prison System, $19,060,000.*]

GENERAL PROVISION

Notwithstanding the provisions of 31 U.S.C. 1342, the Attorney General is hereby authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property, and services, for the purpose of hosting the meeting of the General Assembly of the International Criminal Police Organization (INTERPOL) in the United States in September and October, 1985. All moneys received for this purpose shall be credited to the appropriation "Salaries and expenses, general legal activities" notwithstanding 31 U.S.C. 3302. The Attorney General is further authorized to use otherwise available funds from the appropriation "Salaries and expenses, general legal activities" for fiscal years 1984, 1985, and 1986 as he deems necessary, to pay expenses of hosting such General Assembly meeting, including but not limited to reception and representation expenses. The authority of the Attorney General under this section shall continue through September 30, 1986.

[*Total, Department of Justice*:
[*New budget (obligational) authority* .... *$33,472,000.*]
[*By transfer* .... *3,855,000.*]

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", $279,000, and in addition, $4,723,000, to be derived by transfer from "Contributions to international organizations" and $10,879,000, to be derived by transfer from "Contributions for international peacekeeping activities": *Provided*, That of the funds appropriated under this heading in Public Law 97-275, $3,500,000 shall remain available until September 30, 1985.

279,000
4,723,000
(by transfer)
10,879,000
(by transfer)

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, operation, and maintenance of buildings abroad", $17,140,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading in Public Law 97-275, $3,000,000 shall remain available until September 30, 1985. 17,140,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", $5,399,000. 5,399,000

[*Total, Department of State*:
[*New budget (obligational) authority* .... *$22,818,000.*]
[*By transfer* .... *15,602,000.*]

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1984 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1985.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

For necessary expenses for the Christopher Columbus Quincentenary Jubilee Commission as authorized by the Christopher Columbus Quincentenary Jubilee Act, $220,000, to remain available until expended. $220,000

[*Total, Department of State and Related Agencies*:
[*New budget (obligational) authority* .... *$23,038,000.*]
[*By transfer* .... *15,602,000.*]

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the building and grounds", $600,000, to remain available until expended: *Provided*, That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended. 600,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender services", $4,000,000, to remain available until expended. 4,000,000

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For an additional amount for "Expenses of Operation and Maintenance of the Courts", $1,125,000, to remain available until expended. 1,125,000

BANKRUPTCY COURTS, SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Bankruptcy Courts, salaries and expenses", $2,500,000, and in addition, $1,000,000, to be derived by transfer from "Space and Facilities". 2,500,000 *1,000,000 (by transfer)*

[*Total, the Judiciary*:
[*New budget (obligational) authority* .... *$8,225,000.*]
[*By transfer* .... *1,000,000.*]

[*Total, Chapter II*:
[*New budget (obligational) authority* .... *120,340,000.*]
[*By transfer* .... *20,457,000.*]

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $3,200,000. $3,200,000

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $2,800,000. 2,800,000

[*Total, Military Personnel, $6,000,000.*]

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $81,400,000, and in addition, the amount available under this heading that can be used for emergencies and extraordinary expenses is increased to $11,098,000. 81,400,000

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $107,400,000. 107,400,000

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $14,200,000. 14,200,000

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $41,200,000, and in addition, the amount available under this heading that can be used for emergencies and extraordinary expenses is increased to $5,020,000. 41,200,000

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $20,400,000. 20,400,000

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $1,300,000. 1,300,000

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $500,000. 500,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve", $2,600,000. 2,600,000

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $4,300,000. 4,300,000

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", $2,600,000. $2,600,000

[*Total, Operation and Maintenance, $275,900,000.*]

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $50,000,000, to remain available for obligation until September 30, 1986. 50,000,000

GENERAL PROVISIONS

Section 731 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

Section 781 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended by inserting the following language at the end of the provision: "This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States."

Section 799B of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended to read as follows:

"SEC. 799B. Within the funds made available under title III of this Act, the military departments may use such funds as necessary, but not to exceed $4,461,000, to carry out the provisions of section 430 of title 37, United States Code: *Provided*, That after August 31, 1984, none of the funds appropriated to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas shall be obligated for a transportation allowance for travel within or between the contiguous United States.".

None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

(TRANSFER OF FUNDS)

Of the funds made available to the Department of Defense, $300,000 shall be transferred to the Department of Education which shall grant such sum to the Board of Education of the Highland Falls-Fort Montgomery, New York central school district. The funds transferred by this section shall be in addition to any assistance to which the Board may be entitled under subchapter 1, chapter 13 of title 20, United States Code.

(TRANSFER OF FUNDS)

Of the amount available to the Department of Defense within the "Shipbuilding and Conversion, Navy 1980/1984" appropriation, not less than $52,000,000 shall be transferred to the "Shipbuilding and Conversion, Navy 1984/1988" appropriation for the procurement of roll-on/roll-off strategic sealift vessels for the National Defense Reserve Fleet, to remain available for obligation until September 30, 1988. *52,000,000 (by transfer)*

An additional $336,200,000 shall be available for the battleship Missouri reactivation from amounts appropriated in "Shipbuilding and Conversion, Navy, 1984/1988".

Of the amounts available for "Aircraft Procurement, Air Force, 1984/1986", $64,200,000 shall be available only for the purchase of at least thirty-two B-707 aircraft.

[*Total, Chapter III:*

[*New budget (obligational) authority*	*$331,900,000.*]
[*By transfer*	*52,000,000.*]

CHAPTER IV

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", to enable the Secretary of the Army, acting through the Chief of Engineers, pursuant to Public Law 98-213, to be agent for and to allow the construction, operation, maintenance and training of personnel of the hydroelectric project authorized pursuant to section 101 of Public Law 96-205, $8,000,000, to remain available until expended. $8,000,000

GENERAL PROVISION

Notwithstanding any other provision of law, there is hereby appropriated the sum of $2,000,000, to remain available until expended, to pay for flood damages (not to exceed $2,000,000) resulting from equipment malfunction and subsequent operation of the W. G. Huxtable Pumping Station, St. Francis River, near Marianna, Arkansas, during May and June 1983. 2,000,000

[*Total, Department of Defense, $10,000,000.*]

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Of the total amount appropriated in Public Law 94-438 for payment of claims resulting from the Teton Dam failure, $10,300,000 may be used to perform work on the Colorado River Front Work and Levee System.

If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to an authorization or the providing of an appropriation of funds to the Secretary of the Interior to construct the Yakima River Basin Water Enhancement Project (hereinafter, Yakima Enhancement Project), shares in the costs of or constructs any physical element of that project, including any reregulating dam or fish passage facility, and conveys the same to the United States, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary of the Interior prior to its construction. The Secretary shall grant such approval, when requested by the State, the Yakima Indian

Nation, or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project. The Secretary is authorized to accept title to any reregulating dam or fish passage facility constructed by the State, the Yakima Indian Nation, or any other entity, pursuant to this section, without giving compensation therefor, and thereafter to operate and maintain such facilities. Any such facility shall be operated by the Secretary in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights established pursuant to State law, including the valid contract rights of irrigation users. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs pursuant to Federal reclamation law and other applicable law: *Provided,* That operation and maintenance costs related to anadromous fish, including costs at facilities in the Yakima River Basin authorized to be constructed by the Secretary of the Interior, which are in excess of present obligations, as determined by the Secretary, shall be nonreimbursable and nonreturnable.

ADMINISTRATIVE PROVISION

A sum of $6,000,000 allocated to flood control work on the Gila River Channel, within the Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona, shall be nonreimbursable and nonreturnable under Federal reclamation law.

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $5,000,000 to remain available until expended. $5,000,000

[*Total, Chapter IV, new budget (obligational) authority, $15,000,000.*]

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), is increased by $15,000,000: *Provided,* That such contract authority shall be used for the homeownership assistance program under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), notwithstanding the provisions of the last two sentences of section 235(h)(1) of the National Housing Act, as amended, and notwithstanding that the foregoing contract authority is not authorized under section 5(c)(1) of the United States Housing Act of 1937, as amended: *Provided further,* That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $150,000,000: *Provided further,* That none of the authority provided herein shall be for the homeownership assistance program authorized by section 235(q) of the National Housing Act, as amended.

15,000,000 (limitation of contract authority)

150,000,000

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1), is further reduced in fiscal year 1984 by not more than $21,912,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts. –$354,270,000 *(rescission of contract authority, indefinite)* *–21,912,000* *(rescission of limitation on contract authority, indefinite)*

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), shall remain available for obligation for the fiscal year ending September 30, 1985, and shall be used by the Secretary for fiscal year 1985 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

[*Total, Housing Programs*:

[*Contract authority (net)*	*–$204,270,000.*]
[*Contract authority*	*150,000,000.*]
[*Rescission of contract authority, indefinite*	*–354,270,000.*]
[*Limitation of contract authority*	*15,000,000.*]
[*Rescission of limitation on contract authority, indefinite*	*–21,912,000.*]

COMMUNITY PLANNING AND DEVELOPMENT

URBAN HOMESTEADING

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), not more than $1,000,000 shall be available for the demonstration program authorized pursuant to section 810(i), and for the evaluation of such demonstration program pursuant to section 810(j) of the Housing and Community Development Act of 1974, as amended.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For an additional amount for "Research and technology", $200,000, to remain available until September 30, 1985. 200,000

[*Total, Department of Housing and Urban Development*:

[*New budget (obligational) authority (net)*	*–$204,070,000.*]
[*Appropriation*	*200,000.*]
[*Contract authority*	*150,000,000.*]
[*Rescission of contract authority, indefinite*	*–354,270,000.*]
[*Limitation of contract authority*	*15,000,000.*]
[*Rescission of limitation on contract authority, indefinite*	*–21,912,000.*]

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $3,000,000, to remain available until September 30, 1985. 3,000,000

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $50,000,000, to remain available until expended: *Provided*, That this amount shall be available for the purposes of the Asbestos 50,000,000

School Hazards Abatement Act of 1984 (including up to 10 per centum for administrative expenses as provided for in said Act): *Provided further,* That this sum shall not be available for asbestos removal projects until the Environmental Protection Agency develops comprehensive guidelines to classify and evaluate asbestos hazards and appropriate abatement options.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For an additional amount to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $50,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided,* That the limitation on administrative expenses of the Hazardous Substance Response Trust Fund is increased to $66,989,000.

$50,000,000

66,989,000 (increase in limitation on administrative expenses)

CONSTRUCTION GRANTS

Notwithstanding any other provision of law, for an additional amount for "Construction grants", $5,000,000, for initial planning and design of an operable sewage treatment facility at or adjacent to San Diego, California for the purpose only of intercepting and treating wastewater originating in Mexico, to remain available until September 30, 1986: *Provided,* That the total Federal contribution of the facility shall not exceed $32,000,000: *Provided further,* That any facility constructed with these funds shall not have a treatment capacity exceeding 30,000,000 gallons per day: *Provided further,* That such funds shall, prior to receipt of any reimbursements, represent not more than 90 per centum of the initial planning and design cost: *Provided further,* That construction funds shall not be made available unless the President of the United States certifies to the Congress that the Government of Mexico has agreed to reimburse the United States for the cost of such facility in such a manner as the President of the United States in his discretion deems acceptable.

5,000,000

[*Total, Environmental Protection Agency:*
[*New budget (obligational) authority* .... *$108,000,000.*]
[*Increase in limitation on administrative expenses* .... *66,989,000.*]

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Of the amounts appropriated under this heading in Public Law 98-181, $175,000 shall be available for the necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, to remain available until September 30, 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $70,000,000 to the Federal Emergency Management Agency, to remain available until December 31, 1984, to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

70,000,000

The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall chair the national board.

Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

The Director of the Federal Emergency Management Agency shall award a grant for $70,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations and through units of local government.

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

Total administrative costs shall not exceed 2 per centum of the total appropriation.

As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance", $2,000,000, to remain available until September 30, 1986: *Provided,* That this amount shall be for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127). $2,000,000

[*Total, Federal Emergency Management Agency, $72,000,000.*]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The National Aeronautics and Space Administration is authorized, notwithstanding any other provision of law, to acquire for and otherwise take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a reimbursable basis, a Class VI Computer, with accompanying peripheral equipment as requested by the Foundation. NASA is further authorized to lease as a replacement on a two year basis, a compatible upgraded computer, with such peripheral equipment as it deems necessary to conduct requisite research operations. $13,000,000 is appropriated only for this purpose and shall remain available until expended. $13,000,000

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), $20,000,000 shall remain available for obligation for the fiscal year ending September 30, 1985, and shall be used only for the Advanced Communications Technology Satellite (ACTS) flight test development program.

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For payment to the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2), $250,000. 250,000

TRUST FUND

There is appropriated out of funds not otherwise appropriated, the sum of $5,000,000 to a "National Institute of Building Sciences Trust Fund" which is hereby established in the Treasury of the United States: *Provided*, That the Secretary shall invest such funds in U.S. Treasury special issue securities at a fixed rate of ten per centum per annum, that such interest shall be credited to the Trust Fund on a quarterly basis, and that the Secretary shall make quarterly disbursements from such interest to the National Institute of Building Sciences: *Provided further*, That the total amount of such payment during any fiscal year may not exceed $500,000 or the amount equivalent to non-Federal funds received by the Institute during the preceding fiscal year, whichever is less: *Provided further*, That any amount of interest not used for any such annual payment shall be paid into the general fund of the Treasury: *Provided further*, That the appropriation of $5,000,000 made in this paragraph shall revert to the Treasury, on October 1, 1989, and the National Institute of Building Sciences Trust Fund shall terminate following the final quarterly disbursement of interest provided for in this paragraph. 5,000,000

[*Total, National Institute of Building Sciences, $5,250,000.*]

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The National Science Foundation is authorized to receive, from the National Aeronautics and Space Administration, a Class VI Computer, with such accompanying peripheral equipment as NASA makes available, and, upon receipt, to transfer said computer and peripheral equipment to an institution of higher education under such terms as it deems appropriate. The Foundation is directed to reimburse NASA for the costs of such transfer. Funds in the amount of $1,500,000 are appropriated for this purpose and shall remain available until expended. 1,500,000

NEIGHBORHOOD REINVESTMENT CORPORATION

For an additional amount for the Neighborhood Reinvestment Corporation, $500,000, to remain available until expended. 500,000

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $284,900,000, to remain available until expended. 284,900,000

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $82,200,000, to remain available until expended. $82,200,000

MEDICAL CARE

For an additional amount for "Medical care", $15,000,000: *Provided*, That the amount available in the current fiscal year for expenses of travel is increased by $1,000,000. 15,000,000

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $3,588,000. 3,588,000

LOAN GUARANTY REVOLVING FUND

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), $100,000,000, to remain available until expended. 100,000,000

GENERAL PROVISION

The language "without the approval of the Committees on Appropriations" contained in "Title IV, General Provisions, Section 409" in Public Law 98-371 is hereby repealed.

[Total, Veterans Administration, $485,688,000.]

[Total, Chapter V:

[New budget (obligational authority (net)	*$481,868,000.]*
[Appropriations	*686,138,000.]*
[Contract authority	*150,000,000.]*
[Rescission of contract authority, indefinite	*−354,270,000.]*
[Limitation of contract authority	*15,000,000.]*
[Rescission of limitation on contract authority, indefinite	*−21,912,000.]*
[Increase in limitation on administrative expenses	*66,989,000.]*

CHAPTER VI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $44,141,000: *Provided*, That funds available under this head are available to acquire land in the vicinity of Doyle, California, now leased to the Bureau of Land Management by the State of California. 44,141,000

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and access", $1,370,000, to remain available until expended. 1,370,000

LAND ACQUISITION

For an additional amount for "Land acquisition", $4,500,000, to remain available until expended, for expenses necessary to carry out the provisions of section 11 of Public Law 93-531, as amended, including administrative expenses and acquisition of lands or waters, or interest therein. 4,500,000

ADMINISTRATIVE PROVISION

The first section of the Educational Mining Act of 1982 (96 Stat. 2031), is amended by deleting the phrase "comprising approximately seventy-six acres", and by amending the land description to read "That portion of Mineral Survey 2407, Alaska, situated in Sections 8 and 9, Township 2 North, Range 1 East, Fairbanks Meridian, Alaska, as depicted on the Supplemental Plat of Sections 8 and 9 that was accepted for the Director, Bureau of Land Management, on March 24, 1983, comprising approximately 59.59 acres."

Notwithstanding the provisions of section 906(f)(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2440), the State of Alaska may relinquish its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the public lands described in the Educational Mining Act of 1982, as amended by this Act.

Notwithstanding the provisions of section 2 of the Educational Mining Act of 1982, within thirty days of the date of receipt by the Secretary of the Interior of the State of Alaska's relinquishment of its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the lands described in the Educational Mining Act of 1982, as amended by this Act, or the date of the enactment of this Act or the date upon which all the requirements of the Educational Mining Act of 1982 are satisfied, whichever occurs last, the Secretary of the Interior is directed to convey to the University of Alaska whatever right, title and interest the United States has in the approximately 59.59 acres of land described in the Educational Mining Act of 1982.

[*Total, Bureau of Land Management, $50,011,000.*]

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $1,785,000, of which $300,000 for pine vole research shall remain available for obligation until September 30, 1985. $1,785,000

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $6,630,000, to remain available until expended. 6,630,000

LAND ACQUISITION

For an additional amount for "Land acquisition", $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of land or waters, or interest therein, in the Atchafalaya Basin, Louisiana, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, including the Fish and Wildlife Act of 1956. 10,000,000

[*Total, United States Fish and Wildlife Service, $18,415,000.*]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $6,100,000: *Provided,* That of the funds appropriated under this heading in Public Law 98-146, and unobligated as of September 30, 1984, $180,000 shall remain available for obligation until September 30, 1985, of which $30,000 is to be made available for the operation, maintenance and protection of the several archaeological and historic sites at South Point on the Big Island of Hawaii, as 6,100,000 authorized by subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), and of which $150,000 is to be made available for the operation and maintenance of the New River Gorge National River: *Provided further,* That section 3 of the Act entitled "An Act to improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666)", approved September 8, 1980 (Public Law 96-344), is repealed.

CONSTRUCTION

For an additional amount for "Construction", $22,653,000, to remain available until expended. $22,653,000

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1984 by 16 U.S.C. 460l-10a is rescinded. 30,000,000 *(rescission of contract authority)*

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended. 30,000,000

[*Total, National Park Service (net), $28,753,000.*]

GEOLOGICAL SURVEY

BARROW AREA GAS OPERATION, EXPLORATION, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of Public Law 98-366, $30,000,000, of which $17,000,000 shall be derived by transfer from "Exploration of the National Petroleum Reserve in Alaska", to remain available until expended. 13,000,000 *17,000,000 (by transfer)*

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for "Regulation and technology", $4,775,000. 4,775,000

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $27,000,000: *Provided,* That for fiscal year 1984, no more than $19,700,000 in total may be obligated or expended for any activities related to automatic data processing operations: *Provided further,* That the Act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau of Indian Affairs" and the subheading "Operation of Indian Programs" as follows: 27,000,000

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof: "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyance of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statute. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyance, together with all improvements thereon, revert to the United States": *Provided further*, That of the unobligated balances in "Construction", $856,405 is hereby transferred to "Operation of Indian programs".

CONSTRUCTION

For an additional amount for "Construction", $17,000,000, to remain available until expended. $17,000,000

[*Total, Bureau of Indian Affairs, $44,000,000.*]

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Administration of territories", $2,440,000, and $250,000 to be derived by transfer from unobligated balances of grants to the judiciary in American Samoa for compensation and expenses, to remain available until expended. 2,440,000 *250,000 (by transfer)*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $2,000,000, to remain available until expended. 2,000,000

[*Total, Territorial and International Affairs*:
[*New budget (obligational) authority* .... *$4,440,000.*]
[*By transfer* .... *250,000.*]
[*Total, Department of Interior:*
[*New budget (obligational) authority (net)* .... *$163,394,000.*]
[*Appropriations* .... *193,394,000.*]
[*Rescission of contract authority* .... *-30,000,000.*]
[*By transfer* .... *17,250,000.*]

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", $34,301,000. $34,301,000

LAND ACQUISITION

For an additional amount for "Land acquisition", $1,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended. 1,500,000

ADMINISTRATIVE PROVISION

Notwithstanding section 202(a) of title 23, United States Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on October 1, 1984, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1985, by section 105(a)(6) of the Surface Transportation Act of 1982 and, on October 1, 1985, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1986, by section 105(a)(6) of the Surface Transportation Assistance Act of 1982, in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa, because of the conveyance of all national forest lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for the fiscal years ending September 30, 1985, and September 30, 1986, shall be allocated pursuant to section 202(a) of title 23, United States Code.

[*Total, Department of Agriculture, $35,801,000.*]

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil energy research and development", $2,948,000, to remain available until expended. 2,948,000

ECONOMIC REGULATION

For an additional amount for "Economic regulation", $1,395,000. 1,395,000

STRATEGIC PETROLEUM RESERVE

For an additional amount for "Strategic petroleum reserve", $459,190,000, to remain available until expended. 459,190,000

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

None of the funds made available by this or any other Act may be used to implement section 303 of the Supplemental Appropriations

Act, 1982 (Public Law 97-257) as it relates to the Economic Regulatory Administration and the Energy Information Administration: *Provided*, That notwithstanding any other provision of law, the minimum employment level established in Public Law 97-257 and amended in Public Law 98-63 for the Office of the Assistant Secretary for Fossil Energy is reduced to 700 of which not less than 135 employees shall be assigned to activities of the headquarters organization.

[*Total, Department of Energy, $463,533,000.*]

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(TRANSFER OF FUNDS)

For expenses necessary to establish a model retraining program for displaced workers to be conducted in the Johnstown, Pennsylvania, area under section 171(a)(1) of the Vocational Education Act, $570,000, to remain available until expended, is hereby transferred from funds available under the head "Department of the Interior, Bureau of Mines, Mines and Minerals": *Provided*, That none of these funds shall be used for the construction of facilities: *Provided further*, That up to 3 per centum of the funds transferred may be used for related Department of Education administrative expenses. *$570,000 (by transfer)*

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $100,000 to pay a certified claim for losses filed under the Arts and Artifacts Indemnity Act of 1975. 100,000

GENERAL PROVISIONS

None of the funds appropriated herein or for fiscal year 1985 from the Land and Water Conservation Fund for the Bureau of Land Management or the Forest Service shall be obligated for the acquisition of lands or waters, or interests therein unless and until the seller has been offered, and has rejected, an exchange, pursuant to current authorities, for specific lands of comparable value (within plus or minus 25 per centum) and utility, if such potential exchange lands are available within the boundary of the same State as the lands to be acquired: *Provided*, That condemnations, declarations of taking, or the acquisition of scenic, conservation, or development easements shall not be subject to this provision: *Provided further*, That acquisition of tracts of lands of less than forty acres shall not be subject to this provision.

Section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act, Public Law 92-318 (20 U.S.C. 241ee(b)(2)) is amended to read as follows:

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Secretary of Education) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort for that purpose for the second preceding fiscal year. In addition, the Secretary may waive this requirement for exceptional circumstances for one year only.".

[*Total, Chapter VI:*
[*New budget (obligational) authority (net)* .... *$662,828,000.*]
[*Appropriations* .... *692,828,000.*]
[*Rescission of contract authority* .... *-30,000,000.*]
[*By transfer* .... *17,820,000.*]

CHAPTER VII

DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and employment services", $21,700,000, to be available for obligation for the period July 1, 1984 through June 30, 1985, and which shall be for the renovation and repair of Job Corps facilities and equipment replacement. $21,700,000

For an additional amount for migrant and seasonal farmworker programs authorized by section 402 of the Job Training Partnership Act, notwithstanding the provisions of sections 3(a)(3)(A) and 402(f) of the Act, $5,117,000, to be available for obligation for the period July 1, 1984 through June 30, 1985: *Provided,* That funding provided herein shall be distributed to the States so that each State's total program year 1984 allocation is at least equal to its annualized allocation for the period October 1, 1983 through June 30, 1984. 5,117,000

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Public Law 98-139 is amended by deleting under this heading "$587,310,000" and inserting in lieu thereof "$567,310,000".

[*Total, Employment and Training Administration, $26,817,000.*]

Bureau of Labor Statistics

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for enhancing service sector activities, $750,000 to remain available until September 30, 1985. 750,000

[*Total, Department of Labor, $27,567,000.*]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

DISEASE CONTROL

For an additional amount for "Disease control", $1,750,000. 1,750,000

National Institutes of Health

NATIONAL CANCER INSTITUTE

For an additional amount for "National Cancer Institute", $2,000,000. 2,000,000

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $4,150,000. $4,150,000

RESEARCH RESOURCES

For an additional amount for "Research resources", $400,000. 400,000
[*Total, National Institutes of Health, $6,550,000.*]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $1,175,000. 1,175,000

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REFUGEE RESETTLEMENT

REFUGEE AND ENTRANT ASSISTANCE

For purposes of section 101(c) of Public Law 98-151, the current rate for refugee and entrant assistance activities for fiscal year 1984 is $541,761,000, of which not less than $71,700,000 shall be available for social services (exclusive of targeted assistance), and not less than $77,500,000 shall be available for targeted assistance.

Funds available for refugee and entrant targeted assistance activities under section 101(c) of Public Law 98-151 shall remain available through September 30, 1985.

OFFICE OF HUMAN DEVELOPMENT SERVICES

DEVELOPMENTAL DISABILITIES ASSISTANCE

For an additional amount for carrying out Part B of the Developmental Disabilities Assistance and Bill of Rights Act, $387,000. 387,000

SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social services block grant", $25,000,000. 25,000,000

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human development services", $15,000,000, of which amount $10,000,000 shall be available for part B of title III of the Older Americans Act of 1965 and $5,000,000 shall be available for subpart 2 of part C of such title. 15,000,000

FAMILY SOCIAL SERVICES

For an additional amount for "Family social services", $60,000,000, for parts A and E of title IV of the Social Security Act, of which $43,200,000 is for foster care and $16,800,000 is for adoption assistance. 60,000,000

WORK INCENTIVES

Section 445(b)(1) of the Social Security Act is amended by striking out "June 30, 1984," and inserting in lieu thereof "June 30, 1985,".

Section 445(b)(1)(E) of such Act is amended by striking out "prime sponsors under the Comprehensive Employment and Training Act of 1973," and inserting in lieu thereof "service delivery areas under the Job Training Partnership Act,".

Section 445(d) of such Act is amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a State which has submitted a letter of application on or before June 30, 1984, such program may continue in force until June 30, 1987".

Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence: "The second evaluation shall be conducted three years from the date of the Secretary's approval of the demonstration program.".

Section 445(f) of such Act is amended by adding the following new paragraph:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the States, a thorough study of the allocation formula described in paragraph (1) of this subsection and report to Congress no later than April 1, 1985, on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account State performance and to provide for the equitable distribution of funds.".

These provisions shall become effective on the date of the enactment of this Act.

[*Total, Office of Human Development Services, $100,387,000.*]

[*Total, Department of Health and Human Services, $109,862,000.*]

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out section 418 of the Higher Education Act, $750,000. $750,000

SPECIAL PROGRAMS

For an additional amount for "Special programs", $500,000 for the purpose of Public Law 92-506, to remain available until September 30, 1985. 500,000

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874 Eighty-first Congress) (as added by section 23 of Public Law 98-211) are redesignated as subsection (h) of section 5 of that Act. This amendment shall be effective December 8, 1983.

For an additional amount for "School assistance in federally affected areas", $15,000,000 which shall remain available until expended and shall be for payments under section 7 of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13): *Provided*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That all funds appropriated in fiscal year 1984 under this heading for section 7 of said Act may be used for disasters occurring after October 1, 1983. 15,000,000

EDUCATION FOR THE HANDICAPPED

For an additional amount for regional resource centers, $1,200,000. 1,200,000

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for "Rehabilitation services and handicapped research", $34,200,000, of which $33,900,000 shall be for allotments under section 100(b)(1) of the Rehabilitation Act of 1973, 34,200,000 as amended, and $300,000 shall be for the Helen Keller National Center Act.

HIGHER EDUCATION

Funds appropriated in 1984 for the endowment grant program under section 333 of the Higher Education Act of 1965 shall remain available until September 30, 1985.

SPECIAL INSTITUTIONS

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", $2,000,000. $2,000,000

HOWARD UNIVERSITY

For an additional amount for "Howard University", $11,000,000, of which $1,490,000 shall be for construction and shall remain available until expended: *Provided*, That $5,000,000 of the foregoing amount shall be derived by transfer from Department of Education "Office for Civil Rights". 6,000,000 *5,000,000 (by transfer)*

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For an additional amount for "Office of the Inspector General", $1,717,000 to be derived by transfer from Department of Education, "Higher education". *1,717,000 (by transfer)*

[Total, Department of Education:	
[New budget (obligational) authority	*$59,650,000.]*
[By transfer	*6,717,000.]*

RELATED AGENCIES

ACTION

OPERATING EXPENSES

For an additional amount for "Operating expenses", $6,269,000, of which $3,169,000 shall be for title I, part A of the Domestic Volunteer Service Act of 1973. 6,269,000

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For additional payment to the Corporation for Public Broadcasting, as authorized by the Federal Communications Commission Authorization Act of 1983, Public Law 98-214, the following amounts, which shall be available within limitations specified by said Act, are appropriated: For fiscal year 1984, $7,500,000; for fiscal year 1985, $20,500,000; and for fiscal year 1986, $29,500,000. 7,500,000 *(FY 1984)* 20,500,000 *(FY 1985)* 29,500,000 *(FY 1986)*

[Total, Public Broadcasting Fund:	
[New budget (obligational) authority	*$57,500,000.]*
[Fiscal year 1984	*7,500,000.]*
[Fiscal year 1985	*20,500,000.]*
[Fiscal year 1986	*29,500,000.]*
[Total, Related Agencies	*63,769,000.]*

[*Total, Chapter VII:*

[*New budget (obligation) authority*	*$260,848,000.*]
[*Appropriations, fiscal year 1984*	*210,848,000.*]
[*Appropriations, fiscal year 1985*	*20,500,000.*]
[*Appropriations, fiscal year 1986*	*29,500,000.*]
[*By tranfer*	*6,717,000.*]

CHAPTER VIII

LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE VICE PRESIDENT

For an additional amount for "Office of the Vice President", $10,000. $10,000

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For an additional amount for "Offices of the Majority and Minority Whips", $100,000. 100,000

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For an additional amount for "Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority", $14,000. 14,000

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For an additional amount for "Administrative, clerical, and legislative assistance to Senators", $94,000. 94,000

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of the Sergeant at Arms and Doorkeeper", $100,000. 100,000

[*Total, salaries, officers and employees, $318,000.*]

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For an additional amount for "Senate Policy Committees", $100,000. 100,000

SECRETARY OF THE SENATE

For an additional amount for "Secretary of the Senate", $55,000. 55,000

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,652,000. 1,652,000

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $130,000. 130,000

[*Total, contingent expenses of the Senate, $1,937,000.*]

Administrative Provision

Sec. 1. (a) Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8), and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

[*Total, Senate, $2,225,000.*]

House of Representatives

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the estate of Clement J. Zablocki, late a Repre-
sentative from the State of Wisconsin, $69,800. For payment to the $69,800
estate of Edwin B. Forsythe, late a Representative from the State of
New Jersey, $72,600. For payment to Verna J. Perkins, widow of 72,600
Carl D. Perkins, late a Representative from the State of Kentucky,
$72,600. 72,600

[*Total, payments to widows and heirs, $215,000.*]

HOUSE LEADERSHIP OFFICES

For an additional amount for "House leadership offices", $116,000. 116,000

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $171,000. 171,000

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For an additional amount for the "Committee on Appropriations", $300,000. 300,000

MEMBERS' CLERK HIRE

For an additional amount for "Members' clerk hire", $7,322,000. 7,322,000

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", $18,760,000. 18,760,000

[*Total, House of Representatives, $26,884,000.*]

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1985

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 21, 1985, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 122, Ninety-eighth Congress, agreed to June 29, 1984, $786,000, to remain available until September 30, 1985. $786,000

OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for the "Office of the attending physician", $129,000, of which $51,000 shall not become available until October 1, 1984 and shall remain available until September 30, 1985: *Provided,* That the reimbursement to the Department of the Navy for fiscal year 1985 shall be increased by $46,200: *Provided further,* That the number of assistants eligible to receive the monthly allowance during fiscal year 1985 shall be increased by two. 78,000 51,000 *(FY 1985)*

[*Total, Office of the Attending Physician:*	
[*New budget (obligational) authority*	*$129,000.*]
[*Fiscal year 1984*	*78,000.*]
[*Fiscal year 1985*	*51,000.*]

CAPITOL POLICE

For an additional amount for "General expenses", $125,000. 125,000

OFFICIAL MAIL COSTS

For an additional amount for "Official mail costs", $10,200,000. 10,200,000

ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

For an additional amount for "Contingent expenses", $150,000, to remain available until expended. 150,000

CAPITOL BUILDINGS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Capitol buildings", $2,650,000, to remain available until expended: *Provided,* That the cost limitation for security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, is hereby further increased by $1,900,000. 2,650,000 *1,900,000 (increase in limitation on administrative expenses)*

Of the amounts appropriated under this heading in Public Law 98-367, $72,000 are rescinded. −72,000 *(rescission, FY 1985)*

CAPITOL GROUNDS

For an additional amount for "Capitol grounds", $200,000: *Provided,* That the paragraph under this heading in Public Law 98-51 is amended by striking out "$10,000" and inserting in lieu thereof "$240,000". 200,000

SENATE OFFICE BUILDINGS

For an additional amount for "Senate office buildings", $7,000,000 to remain available until expended. $7,000,000

HOUSE OFFICE BUILDINGS

For an additional amount for "House office buildings", $152,000, to remain available until expended. 152,000

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For an additional amount for "Structural and mechanical care", $81,500,000, to remain available until expended: *Provided,* That not to exceed $81,000,000 of this amount shall be for the renovation and restoration of the Jefferson and Adams Buildings of the Library of Congress and that funds available under this proviso shall be available for obligation without regard to section 3709 of the revised statutes, as amended. 81,500,000

[Total, Architect of the Capitol:	
[New budget (obligational) authority (net)	*$91,580,000.]*
[Appropriations	*91,652,000.]*
[Rescission, fiscal year 1985	*−72,000.]*
[Increase in limitation on administrative expenses	*1,900,000.]*

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,500,000, to remain available until expended, for the construction of a mass book deacidification facility. 11,500,000

[Total, Chapter VIII:	
[New budget (obligational) authority (net)	*$143,459,000.]*
[Appropriations, fiscal year 1984	*143,480,000.]*
[Appropriations, fiscal year 1985	*51,000.]*
[Rescission, fiscal year 1985	*−72,000.]*
[Increase in limitation on administrative expenses	*1,900,000.]*

CHAPTER IX

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military construction, Navy", $25,000,000, to remain available for obligation until September 30, 1988. 25,000,000

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military construction, Air Force", $49,000,000, to remain available for obligation until September 30, 1988. 49,000,000

GENERAL PROVISIONS

None of the funds appropriated by this or any other Act for military construction in the United States territories and posses-

sions in the Pacific and on Kwajalein Island, may be used to award any contract estimated by the Government to exceed $5,000,000 to a foreign contractor: *Provided,* That this paragraph shall not be applicable to contract awards for which the lowest responsive bid of a United States contractor exceeds the lowest responsive bid of a foreign contractor by greater than 20 per centum: *Provided further,* That the Secretary of Defense may waive the applicability of this section when he determines that such a waiver is in the public interest.

Notwithstanding any other provision of law, funds appropriated for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas, are also available for the design of a replacement facility.

The appropriation, "Military Construction, Defense Agencies 1984/1988" (Public Law 98-116) is amended by inserting the following after "*Provided,*": "That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,*".

Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1984, shall be transferred to the appropriations for Family Housing provided in the fiscal year 1984 Military Construction Appropriation Act, Public Law 98-116, October 11, 1983, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

Notwithstanding any other provision of law, the Secretary of the Navy may utilize part of the funds from the sale of property at the Naval Base, Port Hueneme, California, as specified in section 812 of Public Law 98-115, to build replacement facilities.

[*Total, Chapter IX, new budget (obligational) authority, $74,000,000.*]

CHAPTER X

DEPARTMENT OF TRANSPORTATION

Coast Guard

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Operating expenses", $6,000,000 to be derived by transfer from "Retired pay": *Provided,* That none of the funds appropriated under this or any other Act may be used to take any measure to reduce below five vessels the polar icebreaker fleet operated by the Coast Guard. *$6,000,000 (by transfer)*

Federal Aviation Administration

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury pursuant to the Supplemental Appropriations Act, [1] 110,240,000

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[1] Estimate of "indefinite" interest payments.

1983, $102,490,000, to remain available until expended together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.	–$102,490,000 *(debt reduction)*

[Total, Federal Aviation Administration (net)......... $7,750,000.]
[Appropriation (indefinite)................................. 110,240,000.]
[Appropriations for debt reduction .... –102,490,000.]

FEDERAL RAILROAD ADMINISTRATION

RAIL SERVICE ASSISTANCE

For an additional amount for "Rail service assistance", $5,678,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.	[1] 5,823,000 –5,678,000 *(debt reduction)*

[Total, Rail Service Assistance (net), $145,000.]

CONRAIL LABOR PROTECTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Conrail labor protection", $10,000,000, to remain available until expended, together with $15,000,000 to be derived from the unobligated balances of Conrail Workforce Reduction (section 702) funds.	10,000,000 *15,000,000* *(by transfer)*

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganizational Act of 1973 (Public Law 93-236) as amended, $286,079,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.	[1] 302,800,000 –286,079,000 *(debt reduction)*

[Total, Settlements of Railroad Litigation (net), $16,721,000.]

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the national railroad passenger corporation", $1,119,636,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, along with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.	[1] 1,228,429,000 –1,119,636,000 *(debt reduction)*

[Total, Grants to the National Railroad Passenger Corporation (net), $108,793,000.]

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For an additional amount for "Railroad rehabilitation and improvement financing funds", $667,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, together with such sums as may be necessary for the	[1] 733,000 –667,000 *(debt reduction)*

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[1] Estimate of "indefinite" interest payments.

payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

[Total, Railroad Rehabilitation and Improvement Financing Funds (net), $66,000.]

[Total, Federal Railroad Administration:

[New budget (obligational) authority (net)	*$135,725,000.]*
[Appropriations	[1]*1,547,785,000.]*
[Appropriations for debt reduction	*−1,412,060,000.]*
[By transfer	*15,000,000.]*

URBAN MASS TRANSPORTATION ADMINISTRATION

The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

[Total, Department of Transportation:

[New budget (obligational) authority (net)	*$143,475,000.]*
[Appropriations	[2]*1,658,025,000.]*
[Appropriations for debt reduction	*− 1,514,550,000.]*
[By transfer	*21,000,000.]*

RELATED AGENCY

PANAMA CANAL COMMISSION

OPERATING EXPENSES

(RESCISSION)

Of the funds provided for "operating expenses" for fiscal year 1984 in Public Law 98-78, $17,750,000 are rescinded. −$17,750,000 *(rescission)*

CAPITAL OUTLAY

(RESCISSION)

Of the funds provided for "capital outlay" for fiscal year 1984 in Public Law 98-78, $7,625,000 are rescinded. −7,625,000 *(rescission)*

[Total, Chapter X:

[New budget (obligational) authority (net)	*$118,100,000.]*
[Appropriations	[2]*1,658,025,000.]*
[Appropriations for debt reduction	*−1,514,550,000.]*
[Rescission	*−25,375,000.]*
[By transfer	*21,000,000.]*

CHAPTER XI

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States Customs Service", $3,000,000, to be derived by transfer from "Salaries and expenses, United States Secret Service", to remain available until expended. *3,000,000 (by transfer)*

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[1] Includes $1,537,785,000 in "indefinite" interest payments.

[2] Includes $1,648,025,000 in "indefinite" interest payments.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

POSTAL SAVINGS SYSTEM LIQUIDATION

For necessary funds to be held in trust for payment of claims by or on behalf of depositors to the Postal Savings System, as authorized by section 2 of Public Law 92-117, approved August 13, 1971, $1,000,000. $1,000,000

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF FEDERAL PROCUREMENT POLICY

Notwithstanding the limitation on expenses for travel contained in the House passed bill (H.R. 4139) and carried forward by Public Law 93-151, expenses for travel within the level of existing resources, such amounts as are necessary are hereby authorized.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1984, $50,000 shall be made available for such purposes and shall remain available until expended for the construction and acquisition of facilities, as follows:

Payment of Construction Claim:

Kansas: Topeka, Federal Building, Courthouse, and Parking Facility, $50,000: *Provided,* That the immediately foregoing limit may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: *Provided further,* That claims against the Government of less than $10,000 arising from direct construction projects, acquisitions of buildings, and purchase contract projects pursuant to Public Law 92-313 be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1984, excluding reimbursements under section 210(f)(6) in excess of $2,016,277,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts. *50,000 (limitation on availability of revenue)*

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS FROM TRUST FUNDS)

Notwithstanding the limitation on expenses for travel contained in the House passed bill (H.R. 4139) and carried forward by Public Law 98-151, expenses for travel within the level of existing resources, to carry out the requirements of the Voting Rights Act of 1965, such amounts as are necessary are hereby authorized.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $238,081,000. $238,081,000

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, not to exceed $12,000 shall be for entertainment expenses of the President's Commission on Executive Exchange.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $400,000, to remain available until expended. 400,000

ADMINISTRATIVE PROVISIONS

Section 301(a)(3) of the Omnibus Budget Reconciliation Act of 1982 (5 U.S.C. 8340 note) is amended by adding at the end thereof the following new sentence: "If the percentage increase in the price index for fiscal year 1985 (as determined by the Office of Personnel Management under section 8340(b) of title 5, United States Code) is less than the assumed increase in the price index for that year, then the increase in the annuity or retired or retainer pay of an early retiree under paragraph (1) taking effect in that fiscal year shall be equal to the percentage increase in the price index for that year (as so determined).".

Section 8344(d) of title 5, United States Code, is amended by striking out "in the same amount on termination of the employment," and inserting in lieu thereof "on termination of the employment in the amount equal to the sum of the amount of the annuity the member was receiving immediately before the commencement of the employment and the amount of the increases which would have been made in the amount of the annuity under section 8340 of this title during the period of the employment if the annuity had been payable during that period,".

[*Total, Chapter XI:*

[*New budget (obligational) authority*	*$239,481,000.*]
[*By transfer*	*3,000,000.*]
[*Limitation on availability of revenue*	*50,000.*]

CHAPTER XII

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

HEALTH, DEVELOPMENT ASSISTANCE

For an additional amount for "Health, development assistance", $7,500,000: *Provided,* That these funds shall be transferred to "International disaster assistance": *Provided further,* That these funds shall remain available until September 30, 1985: *Provided further,* That these funds shall be used only for assistance for Miskito and other Indian groups in Honduras dislocated or otherwise suffering as a result of the strife in that region, for food, medicine and medical care, clothing, temporary shelter, transportation for supplies and personnel, and similar assistance to alleviate the suffering of such people. 7,500,000

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAM

For an additional amount for "International organizations and programs", $1,000,000: *Provided,* That this amount shall be available only for payment to the International Atomic Energy Agency: *Provided further,* That of the amount made available for the International Atomic Energy Agency under this chapter and the funds made available for the International Atomic Energy Agency in Public Law 98–151, not less than $7,000,000 shall be available only for the safeguards program. $1,000,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $4,083,000. 4,083,000

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $16,000,000: *Provided,* That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa. 16,000,000

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $3,700,000, to remain available until September 30, 1985. 3,700,000

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $50,000,000, to be available only for the Dominican Republic and to remain available until March 31, 1985. 50,000,000

CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN POLAND

For an additional amount for the "Economic Support Fund", to carry out Public Law 98–266, $10,000,000, to remain available until expended. 10,000,000

[*Total Agency for International Development,* [1] *$91,283,000.*]

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $7,650,000, to remain available until March 31, 1985, of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees. 7,650,000

CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, as amended, and for other purposes, for assistance for Central American countries, to remain available until March 31, 1985, in addition to amounts otherwise made available for such purposes:

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[1] Excludes $1,000,000 for Department of State, "International organizations and program" listed as second item under Agency for International Development (see top of this page).

Agency for International Development

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

For an additional amount for "Agriculture, rural development, and nutrition, Development Assistance", $10,000,000. $10,000,000

HEALTH

For an additional amount for "Health, Development Assistance", $18,000,000. 18,000,000

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

For an additional amount for "Education and human resources development, Development Assistance", $10,000,000: *Provided*, That of this amount not less than $2,000,000 shall be available only for the International Student Exchange Program. 10,000,000

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

For an additional amount for "Energy and selected development activities, Development Assistance", $30,000,000. 30,000,000

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $290,500,000. 290,500,000

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating expenses of the Agency for International Development", $2,489,000: *Provided*, That not less than $727,000 shall be available only for the activities of the Inspector General's office. 2,489,000

[*Total, Agency for International Development, $360,989,000.*]

INDEPENDENT AGENCY

Peace Corps

For an additional amount to carry out the provisions of the Peace Corps Act (75 Stat. 612), $2,000,000. 2,000,000

MILITARY ASSISTANCE

Funds Appropriated to the President

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $140,000,000, notwithstanding the limitations and restrictions contained in section 101(b) of Public Law 98-151: *Provided*, That not more than $70,000,000 of the funds made available by this paragraph shall be for El Salvador. 140,000,000

General Provisions

Funds under this chapter are made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

None of the funds made available by this chapter shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

None of the funds appropriated in this Act for the purpose of providing military assistance to the Government of El Salvador shall be available after October 1, 1984, for obligation or expenditure unless the President has, by that date, prepared and transmitted to the Congress a report stating his determination that the Government of El Salvador has demonstrated progress towards free elections, land reform, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders.

[*Total, Chapter XII, new budget (obligational) authority, $602,922,000.*]

CHAPTER XIII

DISTRICT OF COLUMBIA

District of Columbia Funds

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental direction and support", $250,000, which shall be derived from the earnings of the applicable retirement funds, to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That notwithstanding any other provision of law, the District of Columbia Retirement Board shall transfer to the District of Columbia $748,000 from the District of Columbia Police Officers and Fire Fighters' Retirement Fund and $1,199,000 from the District of Columbia Teachers' Retirement Fund in conformity with appropriation transfers contained in this Act: *Provided further,* That all budget requests and justifications for the District of Columbia government shall start with the amounts appropriated in the most recently enacted appropriation Act and then explain changes from those amounts to the current budget request.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING TRANSFER OF FUNDS)

($36,000)
(3,876,300)
(by transfer)

For an additional amount for "Economic development and regulation", $3,912,300, of which $1,313,000 shall be derived by transfer from the appropriation "Human support services" and $2,563,300 shall be derived by transfer from the appropriation "Public works": *Provided,* That notwithstanding the provision regarding the calculation of repayments by the District of Columbia Housing Finance Agency under the heading "Economic development and regulation" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820, 821; Public Law 98-125), for the fiscal year ending September 30, 1984, the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative cost plus interest at a rate of 4 percent per annum for a term of fifteen years, with a deferral of payments for the first four years.

PUBLIC SAFETY AND JUSTICE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public safety and justice", $4,318,000 of which $967,000 shall be payable from the revenue sharing trust fund: *Provided*, That $246,000 of this appropriation shall be derived by transfer from the appropriation "Governmental direction and support", $15,000 shall be derived by transfer from the appropriation "Economic development and regulation", $2,815,000 shall be derived by transfer from the appropriation "Public education system", and $479,000 shall be derived by transfer from the appropriation "Human support services".

($763,000)
(246,000)
(by transfer)
(15,000)
(by transfer)
(2,815,000)
(by transfer)
479,000
(by transfer)

[*Total, Public Safety and Justice:*
[*Operating expenses*.. *($763,000).*]
[*By transfer*.. *(3,555,000).*]

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Human support services", $15,181,000, of which $287,000 shall be derived by transfer from the appropriation "Economic development and regulation", and $437,000 shall be derived by transfer from the appropriation "Public education system".

(14,457,000)
(724,000)
(by transfer)

PUBLIC WORKS

(TRANSFER OF FUNDS)

For an additional amount for "Public works", $4,926,300, of which $611,000 shall be derived by transfer from the appropriation "Governmental direction and support", $97,300 shall be derived by transfer from the appropriation "Economic development and regulation", $3,660,000 shall be derived by transfer from the appropriation "Public education system", and $558,000 shall be derived by transfer from the appropriation "Human support services".

(4,926,300)
(by transfer)

ADJUSTMENTS

In addition to the reduction in authorized appropriations and expenditures within object class 30A (energy) required by Public Law 98-125 (97 Stat. 823), the Mayor is authorized and directed to further reduce authorized appropriations and expenditures for the fiscal year ending September 30, 1984, in the amount of $12,000,300 within one or several of the various appropriation headings in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (Public Law 98-125), as amended by this Act: *Provided*, That notwithstanding the provision regarding reductions within object class 13 under the heading "Adjustments" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), the Mayor shall not be required to reduce authorized appropriations and expenditures within object class 13 (additional gross pay) in the amount of $361,800 for the fiscal year ending September 30, 1984: *Provided further*, That the Mayor is authorized and directed to further reduce authorized appropriations and expenditures as follows: $210,800 from "Governmental direction and support", $57,000 from "Economic development and regulation", and $94,000 from "Human support services".

(−12,000,300)
(rescission)

(−361,800)
(by transfer)

WASHINGTON CONVENTION CENTER FUND

For the "Washington Convention Center", $6,072,000: *Provided*, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit. *($6,072,000)*

[Total, Operating Expenses (net):	
[District of Columbia Funds	*($9,327,700).]*
[Operating expenses	*(21,328,000).]*
[Rescission	*(−12,000,300).]*
[By transfer	*(12,719,800).]*

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $14,663,000: *Provided*, That $827,000 shall be available for project management and $788,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor. *(14,663,000)*

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated for "Washington Convention Center Enterprise Fund" for fiscal year 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 824; Public Law 98-125), $9,617,000 are rescinded. *(−9,617,000) (rescission)*

[Total, Chapter XIII:	
[District of Columbia funds (net)	*($14,373,700).]*
[Operating expenses	*(35,991,000).]*
[Rescissions	*(−21,617,300).]*
[By transfer	*(12,719,800).]*
[Total, all chapters, title I:	
[New budget (obligational) authority (net)	*$4,080,313,000.]*
[Appropriations, FY 1984 (net)	*4,030,262,000.]*
[Appropriations, FY 1984	*[1] 5,754,529,000.]*
[Subscription to capital stock	*50,000,000.]*
[Appropriations for debt reduction	*−1,514,550,000.]*
[Contract authority	*150,000,000.]*
[Rescissions	*−25,447,000.]*
[Rescission of contract authority	*−384,270,000.]*
[Appropriations, FY 1985	*20,551,000.]*
[Appropriations, FY 1986	*29,500,000.]*
[Loan authority	*175,000,000.]*
[Rescission of limitation on contract authority	*−21,912,000.]*
[By transfer	*120,994,000.]*
[Limitation on contract authority	*15,000,000.]*
[Limitation on availability of revenue	*50,000.]*
[Increase in limitation on administrative] expenses	*68,889,000.]*
[District of Columbia funds (net)	*(14,373,700).]*

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1984

For additional amounts for appropriations for the fiscal year 1984, for increased pay costs authorized by or pursuant to law as follows:

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[1] Includes $1,648,025,000 in "indefinite" interest payments in Chapter X.

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $6,752,000;	$6,752,000
"Office of the Legislative Counsel of the Senate", $38,000;	38,000
"Senate Policy Committees", $86,000;	86,000
"Inquiries and investigations", $1,218,000;	1,218,000

[*Total, Senate, $8,094,000.*]

HOUSE OF REPRESENTATIVES

"House leadership offices", $94,000;	94,000
"Salaries, officers and employees", $1,121,000;	1,121,000
"Committee employees", $1,444,000;	1,444,000
"Committee on Appropriations (Studies and investigations)", $75,000;	75,000
"Members' clerk hire", $4,634,000;	4,634,000
"Special and select committees", $1,400,000;	1,400,000

[*Total, House of Representatives, $8,768,000.*]

JOINT ITEMS

"Joint Economic Committee", $75,000;	75,000
"Joint Committee on Printing", $21,000;	21,000
"Joint Committee on Taxation", $88,000;	88,000
"Capitol Guide Service", $19,000;	19,000

[*Total, joint items, $203,000.*]

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $178,000;	178,000

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $423,000;	423,000

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $100,000;	100,000
"Capitol buildings", $100,000;	100,000
"Capitol grounds", $50,000;	50,000
"Senate office buildings", $300,000;	300,000
"House office buildings", $171,000;	171,000
"Capitol power plant", $60,000;	60,000
Library buildings and grounds: "Structural and mechanical care", $90,000;	90,000

[*Total, Architect of the Capitol, $871,000.*]

BOTANIC GARDEN

"Salaries and expenses", $40,000;	40,000

LIBRARY OF CONGRESS

"Salaries and expenses", $2,448,000;	2,448,000
Copyright Office: "Salaries and expenses", $141,000;	141,000
Congressional Research Service: "Salaries and expenses", $1,012,000;	1,012,000

[*Total, Library of Congress, $3,601,000.*]

General Accounting Office

"Salaries and expenses", $4,549,000;	$4,549,000
[*Total, Legislative Branch, $26,727,000.*]	

THE JUDICIARY

United States Court of Appeals for the Federal Circuit

(TRANSFER OF FUNDS)

"Salaries and expenses", $50,000, to be derived by transfer from "Fees of Jurors and Commissioners";	*50,000 (by transfer)*

United States Court of International Trade

(TRANSFER OF FUNDS)

"Salaries and expenses", $50,000, to be derived by transfer from "Fees of Jurors and Commissioners";	*50,000 (by transfer)*

Courts of Appeals, District Courts, and Other Judicial Services

(TRANSFERS OF FUNDS)

"Salaries of judges", $3,775,000, of which $3,625,000 shall be derived by transfer from "Expenses of Operation and Maintenance of the Courts" and $150,000 shall be derived by transfer from "Space and Facilities";	*3,775,000 (by transfer)*
"Salaries of supporting personnel", $2,500,000, of which $1,000,000 shall be derived by transfer from "Fees of Jurors and Commissioners" and $1,500,000 shall be derived by transfer from "Space and Facilities";	*2,500,000 (by transfer)*
"Defender services", $465,000, of which $375,000 shall be derived by transfer from "Expenses of Operation and Maintenance of the Courts" and $90,000 shall be derived by transfer from "Space and Facilities";	*465,000 (by transfer)*
"Bankruptcy courts, Salaries and expenses", $3,400,000, to be derived by transfer from "Space and Facilities";	*3,400,000 (by transfer)*
[*Total, Courts of Appeals, District Courts, and Other Judicial Services (by transfer), $10,140,000.*]	

Federal Judicial Center

(TRANSFER OF FUNDS)

"Salaries and expenses", $120,000, to be derived by transfer from "Space and Facilities";	*120,000 (by transfer)*
[*Total, the Judiciary (by transfer), $10,360,000.*]	

EXECUTIVE OFFICE OF THE PRESIDENT

White House Office

"Salaries and expenses", $356,000;	356,000

Executive Residence at the White House

"Operating expenses", $82,000;	82,000

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $403,000;	$403,000

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $128,000;	128,000

[*Total, Executive Office of the President, $969,000.*]

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

"Operating expenses of the Agency for International Development", $4,790,000;	4,790,000

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFERS OF FUNDS)

"Office of the Secretary", $50,000;	50,000
"Departmental Administration", for budget and program analysis, $44,000; for personnel, finance and management, operations, information resources management, minority affairs; small and disadvantaged business utilization, and regulatory hearings and decisions; $239,000; making a total of $283,000;	283,000
"Office of Governmental and Public Affairs", $59,000;	59,000
"Office of the Inspector General", $417,000;	417,000
"Office of the General Counsel", $330,000;	330,000
"Agricultural Research Service", $3,448,000;	3,448,000
"National Agricultural Library", $59,000;	59,000
"Animal and Plant Health Inspection Service", $2,344,000;	2,344,000
"Agricultural Cooperative Service", $38,000;	38,000
"Economic Research Service", $488,000;	488,000
"Statistical Reporting Service", $527,000;	527,000
"World Agricultural Outlook Board", $33,000;	33,000
"Foreign Agricultural Service", $266,000;	266,000
"Not to exceed an additional $45,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager";	*45,000 (transfer from Commodity Credit Corporation)*

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $320,000;	320,000

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $3,254,000;	3,254,000
"Office of the Rural Development Policy", $17,000;	17,000

[*Total, Farmers Home Administration, $3,271,000.*]

SOIL CONSERVATION SERVICE

"Conservation Operations", $8,138,000;	8,138,000

AGRICULTURAL MARKETING SERVICE

"Funds for strengthening markets, income and supply" (section 32), (increase of $58,000 in limitation, "marketing agreements and orders");	*58,000 (section 32 increase in limitation)*
"Salaries and expenses", $301,000;	301,000
"Office of Transportation", $26,000;	26,000

[*Total, Agricultural Marketing Service:*

[*New budget (obligational) authority*	*$327,000.*]
[*Increase in limitation*	*58,000.*]

FOOD SAFETY AND INSPECTION SERVICE

"Salaries and expenses", $5,112,000; $5,112,000

FOOD AND NUTRITION SERVICE

"Food Program Administration", $1,710,000; 1,710,000

"Human Nutrition Information Service", $34,000; 34,000

[Total, Food and Nutrition Service, $1,744,000.]

FOREST SERVICE

(TRANSFERS OF FUNDS)

"Forest research", $848,000, to be derived by transfer from "Construction"; *848,000 (by transfer)*

"National forest system", $9,769,000, to be derived by transfer from "Construction"; *9,769,000 (by transfer)*

"State and private forestry", $174,000 to remain available until expended to carry out activities authorized in Public Law 95-313, to be derived by transfer from "Construction"; *174,000 (by transfer)*

"Land acquisition", $23,000 to remain available until expended, to be derived by transfer from "Construction"; *23,000 (by transfer)*

[Total, Forest Service (by transfer), $10,814,000.]

[Total, Department of Agriculture:

[New budget (obligational) authority .... $27,254,000.]
[By transfer .... 10,814,000.]
[Transfer from Commodity Credit Corporation 45,000.]
[Section 32—increase in limitation .... 58,000.]

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $516,000, to be derived by transfer from "Regional development programs"; *516,000 (by transfer)*

BUREAU OF THE CENSUS

(TRANSFER OF FUNDS)

"Salaries and expenses", $700,000, to be derived by transfer from "Regional development programs"; *700,000 (by transfer)*

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $220,000; 220,000

INTERNATIONAL TRADE ADMINISTRATION

"Operations and administration", $975,000, to remain available until expended; 975,000

MINORITY BUSINESS DEVELOPMENT AGENCY

(TRANSFER OF FUNDS)

"Minority business development", $205,000, to be derived by transfer from "Regional development programs"; *205,000 (by transfer)*

National Oceanic and Atmospheric Administration

"Operations, research, and facilities", $11,800,000, to remain available until expended;	$11,800,000

Patent and Trademark Office

"Salaries and expenses", $1,200,000, to remain available until expended;	1,200,000

National Bureau of Standards

(TRANSFER OF FUNDS)

"Scientific and technical research and services", $1,659,000, to be derived by transfer from "Regional development programs", to remain available until expended;	*1,659,000* *(by transfer)*

National Telecommunications and Information Administration

(TRANSFER OF FUNDS)

"Salaries and expenses", $100,000, to be derived by transfer from "Regional development programs", to remain available until expended;	*100,000* *(by transfer)*

[*Total, Department of Commerce:*
[*New budget (obligational) authority* .... *$14,195,000.*]
[*By transfer* .... *3,180,000.*]

DEPARTMENT OF DEFENSE—MILITARY

Military Personnel

(INCLUDING TRANSFER OF FUNDS)

"Military personnel, Army", $337,100,000;	337,100,000
"Military personnel, Navy", $244,630,000, and in addition, $30,000,000 shall be derived by transfer from "Retired Pay, Defense, 1984";	244,630,000 *30,000,000* *(by transfer)*
"Military personnel, Marine Corps", $83,710,000;	83,710,000
"Military personnel, Air Force", $287,360,000;	287,360,000
"Reserve personnel, Navy", $17,700,000;	17,700,000
"Reserve personnel, Air Force", $8,750,000;	8,750,000

[*Total, Military Personnel:*
[*New budget (obligational) authority* .... *$979,250,000.*]
[*By transfer* .... *30,000,000.*]

Operation and Maintenance

"Operation and maintenance, Army", $161,330,000;	161,330,000
"Operation and maintenance, Navy", $198,410,000;	198,410,000
"Operation and maintenance, Marine Corps", $8,920,000;	8,920,000
"Operation and maintenance, Air Force", $102,050,000;	102,050,000
"Operation and maintenance, Defense Agencies", $80,862,000;	80,862,000
"Operation and maintenance, Army Reserve", $7,240,000;	7,240,000
"Operation and maintenance, Navy Reserve", $1,590,000;	1,590,000
"Operation and maintenance, Marine Corps Reserve", $220,000;	220,000
"Operation and maintenance, Air Force Reserve", $6,950,000;	6,950,000
"Operation and maintenance, Army National Guard", $13,900,000;	13,900,000

"Operation and maintenance, Air National Guard", $15,750,000;	$15,750,000
"National Board for the Promotion of Rifle Practice, Army", $10,000.	10,000

[Total, Operation and Maintenance, $597,232,000.]

[Total, Department of Defense—Military:

[New budget (obligational) authority .... $1,576,482,000.]

[By transfer .... 30,000,000.]

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES, ARMY

"Salaries and expenses", $99,000;	99,000

CORPS OF ENGINEERS—CIVIL

(TRANSFERS OF FUNDS)

"General investigations", $2,000,000 to remain available until expended to be derived from "Construction, general";	*2,000,0000* *(by transfer)*
"General expenses", $2,800,000 to remain available until expended to be derived from "Construction, general";	*2,800,000* *(by transfer)*

[Total, Corps of Engineers—Civil (by transfer), $4,800,000.]

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $362,000;	362,000

[Total, Department of Defense—Civil:

[New budget (obligational) authority .... $461,000.]

[By transfer .... 4,800,000.]

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"Office of the Inspector General", $255,000, to be derived by transfer from "Higher education";	*255,000* *(by transfer)*

DEPARTMENT OF ENERGY

"Energy Information Administration", $521,000;	521,000
"Economic regulation", $575,000;	575,000

[Total, Department of Energy, $1,096,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

"Salaries and expenses", $7,368,000, of which $890,000 shall be derived by transfer from "Health resources and services" including $627,000 from unobligated prior year funds;	6,478,000 *890,000* *(by transfer)*

HEALTH RESOURCES AND SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Indian health services", $1,500,000 and in addition, $6,904,000 to be derived by transfer of unobligated balances from "Health resources and services";	1,500,000 *6,904,000* *(by transfer)*

CENTERS FOR DISEASE CONTROL

(INCLUDING TRANSFER OF FUNDS)

"Disease control", $4,235,000 to be derived by transfer from "Health resources and services";	*$4,235,000* *(by transfer)*

NATIONAL INSTITUTES OF HEALTH

(INCLUDING TRANSFER OF FUNDS)

"National Cancer Institute", $2,278,000;	2,278,000
"National Heart, Lung and Blood Institute", $1,742,000;	1,742,000
"National Institute of Dental Research", $511,000;	511,000
"National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases", $1,448,000;	1,448,000
"National Institute of Neurological and Communicative Disorders and Stroke", $678,000;	678,000
"National Institute of Allergy and Infectious Diseases", $1,329,000;	1,329,000
"National Institute of General Medical Sciences", $293,000;	293,000
"National Institute of Child Health and Human Development", $867,000;	867,000
"National Eye Institute", $448,000;	448,000
"National Institute of Environmental Health Sciences", $791,000;	791,000
"National Institute on Aging", $371,000;	371,000
"Research Resources", $141,000;	141,000
"John E. Fogarty International Center", $71,000 to be derived by transfer of unobligated balances from "Health resources and services";	*71,000* *(by transfer)*
"National Library of Medicine", $607,000 to be derived by transfer of unobligated balances from "Health resources and services";	*607,000* *(by transfer)*
"Office of the Director", $616,000 to be derived by transfer of unobligated balances from "Health resources and services";	*616,000* *(by transfer)*

[*Total, National Institutes of Health:*
[*New budget (obligational) authority* .... *$10,897,000.*]
[*By transfer* .... *1,294,000.*]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Alcohol, drug abuse, and mental health", $1,619,000, of which $985,000 shall be derived by transfer of unobligated balances from "Health resources and services";	634,000 *985,000* *(by transfer)*
"Federal Subsidy for Saint Elizabeths Hospital", $2,082,000 to be derived by transfer of unobligated balances from "Health resources and services";	*2,082,000* *(by transfer)*

[*Total, Alcohol, Drug Abuse, and Mental Health Administration:*
[*New budget (obligational) authority* .... *$634,000.*]
[*By transfer* .... *3,067,000.*]

SOCIAL SECURITY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Low income home energy assistance", $44,000 to be derived by transfer of unobligated balances from "Health resources and services";	*44,000* *(by transfer)*
"Refugee and entrant assistance", $104,000 to be derived by transfer of unobligated balances from "Health resources and services";	*104,000* *(by transfer)*

[*Total, Social Security Administration (by transfer), $148,000.*]

OFFICE OF COMMUNITY SERVICES

(TRANSFER OF FUNDS)

"Community services block grant", $69,000 to be derived by transfer from "Health resources and services";

$69,000
(by transfer)

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"Office of the Inspector General", $1,474,000 to be derived by transfer of unobligated balances from "Health resources and services";

1,474,000
(by transfer)

[*Total, Department of Health and Human Services:*
[*New budget (obligational) authority* .... *$19,509,000.*]
[*By transfer* .... *18,081,000.*]

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $6,023,000;

6,023,000

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $4,446,000;

4,446,000

NATIONAL PARK SERVICE

"Operation of the national park system", $9,195,000;

9,195,000

GEOLOGICAL SURVEY

"Surveys, investigation, and research", $4,242,000;

4,242,000

MINERALS MANAGEMENT SERVICE

"Leasing and royalty management", $1,064,000;

1,064,000

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

"Regulation and technology", $470,000;

470,000

BUREAU OF RECLAMATION

"General investigations", $226,000;

226,000

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $5,871,000;

5,871,000

OFFICE OF TERRITORIAL AND INTERNATIONAL AFFAIRS

"Administration of territories", $54,000;

54,000

[*Total, Department of Interior, $31,591,000.*]

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $1,025,000;

1,025,000

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $161,000;

161,000

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $3,370,000; $3,370,000

"Salaries and expenses, Antitrust Division", $754,000; 754,000

"Salaries and expenses, Foreign Claims Settlement Commission", $16,000; 16,000

"Salaries and expenses, United States Attorneys and Marshals", $7,360,000; 7,360,000

"Salaries and expenses, Community Relations Service", $131,000; 131,000

[*Total, Legal Activities, $11,631,000.*]

INTERAGENCY LAW ENFORCEMENT

"Organized Crime Drug Enforcement", $1,132,000; 1,132,000

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $16,936,000; 16,936,000

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $4,500,000; 4,500,000

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $9,381,000; 9,381,000

FEDERAL PRISON SYSTEM

"Salaries and expenses", $7,506,000; 7,506,000

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $19,000 in the limitation on Administrative expenses and $65,000 on Vocational Training expenses); *84,000 (increase in limitation)*

OFFICE OF JUSTICE ASSISTANCE

(TRANSFER OF FUNDS)

"Research and Statistics", $296,000, to be derived by transfer from "Law Enforcement Assistance"; *296,000 (by transfer)*

[*Total, Department of Justice:*
[*New budget (obligational) authority* .... *$52,272,000.*]
[*By transfer* .... *296,000.*]
[*Increase in limitation* .... *84,000.*]

DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $2,806,000, together with not to exceed $9,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act; 2,806,000 *9,000 (trust fund transfer)*

"Black lung disability trust fund", $328,000 which shall be available for transfer to Employment Standards Administration, "Salaries and expenses"; 328,000

[*Total, Employment Standards Administration:*
[*New budget (obligational) authority* .... *$3,134,000.*]
[*Trust fund transfer* .... *9,000.*]

Departmental Management

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $500,000, together with not to exceed $108,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which $108,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001–03; $500,000 *108,000 (trust fund transfer)*

"Office of the Inspector General", $293,000; 293,000

[*Total, Departmental Management:*
[*New budget (obligational) authority* .... *$793,000.*]
[*Trust fund transfer* .... *108,000.*]
[*Total, Department of Labor:*
[*New budget (obligational) authority* .... *3,927,000.*]
[*Trust fund transfer* .... *117,000.*]

DEPARTMENT OF STATE

Administration of Foreign Affairs

"Salaries and expenses", $10,196,000; 10,196,000

International Commissions

International Boundary and Water Commission, United States and Mexico: "Salaries and expenses", $125,000; 125,000

"American Sections, international commissions", $38,000; 38,000

[*Total, International Commissions, $163,000.*]
[*Total, Department of State, $10,359,000.*]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

(INCLUDING TRANSFER OF FUNDS)

"Motor carrier safety", $100,000 to be derived from the unobligated balances of "Railroad research and development"; *100,000 (by transfer)*

"Limitation on general operating expenses" (increase of $1,700,000 in the limitation on general operating expenses); *1,700,000 (increase in limitation)*

National Highway Traffic Safety Administration

"Operations and research", $300,000, of which $100,000 shall be derived from the Highway Trust Fund; 300,000

Federal Railroad Administration

(TRANSFER OF FUNDS)

"Office of the administrator", $174,000 to be derived from the unobligated balances of "Railroad research and development"; *174,000 (by transfer)*

Urban Mass Transportation Administration

(TRANSFER OF FUNDS)

"Administrative expenses", $200,000 to be derived from the unobligated balances of "Railroad research and development"; *200,000 (by transfer)*

FEDERAL AVIATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Operations", $35,000,000, of which $1,200,000 shall be derived by transfer from the unobligated balances of "Interstate Commerce Commission, Salaries and expenses", and of which $3,800,000 shall be derived by transfer from the unobligated balances of "Civil Aeronautics Board, Payments to air carriers"; $30,000,000 *5,000,000 (by transfer)*

"Operation and maintenance, Metropolitan Washington Airports", $276,700 to be derived from the unobligated balances of "Construction, Metropolitan Washington Airports"; *276,700 (by transfer)*

[*Total, Federal Aviation Administration:*
[*New budget (obligational) authority* .... *$30,000,000.*]
[*By transfer* .... *5,276,000.*]

COAST GUARD

(INCLUDING TRANSFERS OF FUNDS)

"Operating expenses", $9,000,000 together with $7,000,000 to be derived by transfer from the appropriation "Retired pay"; 9,000,000 *7,000,000 (by transfer)*

"Reserve training", $550,000 to be derived by transfer from the appropriation "Retired pay"; *550,000 (by transfer)*

[*Total, Coast Guard:*
[*New budget (obligational) authority* .... *$9,000,000.*]
[*By transfer* .... *7,550,000.*]

OFFICE OF THE SECRETARY

(TRANSFER OF FUNDS)

"Salaries and expenses", $300,000 to be derived from the unobligated balances of "Railroad research and development"; *300,000 (by transfer)*

[*Total, Department of Transportation:*
[*New budget (obligational) authority* .... *$39,300,000.*]
[*By transfer* .... *13,600,700.*]
[*Increase in limitation* .... *1,700,000.*]

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $1,409,000; 1,409,000

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $183,000; 183,000

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $2,293,000; 2,293,000

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $11,538,000; 11,538,000

INTERNAL REVENUE SERVICE

"Salaries and expenses", $1,694,000;	$1,694,000
"Taxpayer service and returns processing", $13,150,000;	13,150,000
"Examinations and appeals", $26,310,000;	26,310,000
"Investigation and collections", $19,676,000;	19,676,000

Any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation to the extent necessary for increased pay costs authorized by or pursuant to law;

[*Total, Internal Revenue Service, $60,830,000.*]

UNITED STATES SECRET SERVICE

"Salaries and expenses", $1,597,000;	1,597,000

[*Total, Department of Treasury, $77,850,000.*]

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", $4,900,000;	4,900,000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $17,582,000: *Provided*, That the amount available in the current fiscal year for expenses of travel is increased by $500,000: *Provided further*, That the amount available for expenses of travel from the "Research and program management" appropriation in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371), is increased by $2,000,000;	17,582,000

OFFICE OF PERSONNEL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $898,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;	*898,000* *(by transfer)*

SMALL BUSINESS ADMINISTRATION

"Salaries and expenses", $3,900,000, of which $2,000,000 shall be derived by transfer from the "Disaster loan fund";	1,900,000 *2,000,000* *(by transfer)*

VETERANS ADMINISTRATION

"Medical care", $158,688,000;	158,688,000
"Medical and prosthetic research", $1,381,000;	1,381,000
"Construction, minor projects", an increase of $334,000 in the limitation on the expenses of the Office of Construction;	*334,000* *(limitation on administrative expenses)*

[*Total, Veterans Administration:*

[*New budget (obligational) authority*	*$160,069,000.*]
[*Limitation on administrative expenses*	*334,000.*]

OTHER INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $23,000;	23,000

Advisory Council on Historic Preservation

"Salaries and expenses", $15,000; $15,000

Arms Control and Disarmament Agency

"Salaries and expenses", $128,000; 128,000

Civil Aeronautics Board

(TRANSFER OF FUNDS)

"Salaries and expenses", $714,000 to be derived from the unobligated balances of "Payments to air carriers"; *714,000 (by transfer)*

Commission on Civil Rights

"Salaries and expenses", $123,000; 123,000

Commodity Futures Trading Commission

"Commodity Futures Trading Commission", $339,000; 339,000

Consumer Product Safety Commission

"Salaries and expenses", $250,000; 250,000

Equal Employment Opportunity Commission

"Salaries and expenses", $2,640,000; 2,640,000

Federal Communications Commission

"Salaries and expenses", $1,900,000; 1,900,000

Federal Election Commission

"Salaries and expenses", $95,000; 95,000

Federal Emergency Management Agency

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $2,131,000, of which not to exceed $400,000 shall be derived from "State and local assistance", and of which not to exceed $307,000 shall be derived from "Emergency planning and assistance", to remain available until September 30, 1985; 1,424,000 *707,000 (by transfer)*

Federal Labor Relations Authority

"Salaries and expenses", $168,000; 168,000

Federal Maritime Commission

"Salaries and expenses", $190,000; 190,000

Federal Mediation and Conciliation Service

"Salaries and expenses", $97,000; 97,000

Federal Trade Commission

"Salaries and expenses", $650,000; 650,000

INTELLIGENCE COMMUNITY STAFF

"Intelligence Community Staff", $144,000;

$144,000

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $16,000;

16,000

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $464,000;

464,000

MERIT SYSTEMS PROTECTION BOARD

"Salaries and expenses", $273,000;

273,000

"Office of Special Counsel, Salaries and expenses", $85,000;

85,000

[Total, Merit Systems Protection Board, $358,000.]

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $28,000;

28,000

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

"Salaries and expenses", $123,000;

123,000

NATIONAL ENDOWMENT FOR THE HUMANITIES

"Salaries and expenses", $118,000;

118,000

[Total, National Foundation on the Arts and the Humanities, $241,000.]

NATIONAL SCIENCE FOUNDATION

"Research and related activities", $460,000 (and an increase of $460,000 in the limitation on program development and management);

460,000

460,000 (limitation on administrative expenses)

"United States Antarctic program activities", $356,000, to remain available until expended;

356,000

[Total, National Science Foundation:

[New budget (obligational) authority	*$816,000.]*
[Limitation on administrative expenses	*460,000.]*

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $190,000;

190,000

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $1,000,000;

1,000,000

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", $369,000;

369,000

SMITHSONIAN INSTITUTION

"Salaries and expenses", $1,420,000;		$1,420,000
"Salaries and expenses, Woodrow Wilson International Center for Scholars", $18,000;		18,000
[Total, Smithsonian Institution, $1,438,000.]		
[Total, Other Independent Agencies:		
[New budget (obligational) authority	*$13,106,000.]*	
[By transfer	*1,421,000.]*	
[Limitation on administrative expenses	*460,000.]*	

OTHER TEMPORARY COMMISSIONS

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

"Salaries and expenses", $22,000;	22,000

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

"United States Holocaust Memorial Council", $11,000;	11,000

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $3,160,000;	3,160,000

UNITED STATES TAX COURT

"Salaries and expenses", $400,000.		400,000
[Total, title II, increased pay costs:		
[New budget (obligational) authority	*$2,087,932,000.]*	
[By transfer	*95,705,700.]*	
[Transfer from Commodity Credit Corporation	*45,000.]*	
[Increase in limitation	*84,000.]*	
[Section 32 increase in limitation	*58,000.]*	
[Trust fund transfer	*117,000.]*	
[Limitation on administrative expenses	*2,494,000.]*	

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1984, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 303. None of the funds made available to the United States Postal Service under this Act or any other Act may be used to restructure employee compensation practices as in effect under the most recently effective collective bargaining agreement under section 1206 of title 39, United States Code, except in accordance with the results of procedures set forth in section 1207 of such title.

SEC. 303a. The project for Bonneville Lock and Dam, Second Powerhouse, Washington and Oregon, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire in the Steigerwald Lake Wetlands Area, Clark County, Washington, not more than one thousand acres of land at an estimated cost of $8,500,000 for the fish and wildlife mitigation purposes associated with this project. The Secretary is further authorized to undertake initial development of such lands and convey without monetary consideration the lands to the Department of the Interior, United States Fish and Wildlife Service for operation and maintenance.

An additional amount of $8,500,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineers—Civil, Department of the Army to carry out the provisions of this section. $8,500,000

SEC. 304. No funds appropriated by this or any other Act to the Federal Communications Commission may be used to implement the Commission's decision adopted on July 26, 1984, in Docket GEN 83-1009 as it applies to television licenses, prior to April 1, 1985, or for sixty days after the Commission's reconsideration of its decision in this matter, whichever is later. The term "implement" shall include but not be limited to processing, review, approval, or acquisition of any interest in or the transfer or assignment of television licenses.

SEC. 305. (a) The Congress finds and declares that—

(1) the competing credit demands by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

(2) the United States has a vital interest in protecting the economic health of American farmers;

(3) the American farmer has been caught in an unprecedented credit squeeze;

(4) monetary and fiscal policies have substantially caused real interest rates to remain at two or three times historic levels of such rates;

(5) high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

(6) the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

(7) the total amount of debt owed by American farmers is $203,800,000,000;

(8) last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

(9) the Governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

(10) American farmers have been unsuccessful in obtaining as favorable special treatment from private banks or the Federal Government.

(b) It is therefore the sense of the Congress that—

(1) the President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reasonable rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the historic real cost of money.

SEC. 306. Section 5532(f)(2) of title V, United States Code, is amended by striking "December 31, 1984" and inserting "December 31, 1985" in lieu thereof.

SEC. 307. Upon the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, the first proviso under the heading "Legal Services Corporation, Payment to the Legal Services Corporation", in title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, is amended to read as follows: "*Provided*, That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading 'Legal Services Corporation, Payment to the Legal Services Corporation' contained in Public Law 98-166 except that 'fiscal year 1984', wherever it appears in such provisions, shall be construed as 'fiscal year 1985', 'fiscal year 1983', wherever it appears in such provisions, shall be construed as 'fiscal year 1984'; 'January 1, 1984' shall be construed as 'January 1, 1985'; '$6.50' shall be construed as '$7.61'; and '$13' shall be construed as '$13.57'; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which during fiscal year 1984 have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding:".

SEC. 308. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our Nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and

(5) further negotiations to end the use of such subsidies are expected to be held in October 1984.

(b) It is the sense of the Congress that—

(1) the President should use all practicable means to necessitate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete

more fairly in international markets and to avoid the imposition of such subsidies by the United States; and

(2) the President should use all of the authorities available, including the Commodity Credit Corporation, to move United States agricultural products in world trade at competitive prices.

SEC. 309. The Secretary of Commerce is directed to submit, within thirty days of the date of enactment of this Act, to the appropriate committees of the Congress a report specifying a proposal to meet the funding obligations of the Fishermen's Guarantee Fund.

This Act may be cited as the "Second Supplemental Appropriations Act, 1984".

[*Total, title III, new budget (obligational) authority, $8,500,000.*]

Approved, August 22, 1984.

LEGISLATIVE HISTORY—H.R. 6040

HOUSE REPORTS: No. 98-916 (Comm. on Appropriations), and No. 98-977 (Comm. of Conference).
SENATE REPORT No. 98-570 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
July 27, reported in the House.
Aug. 1, passed House.
Aug. 2, reported in the Senate.
Aug. 7, 8, considered and passed Senate, amended
Aug. 9, House agreed to conference with Senate.
Aug. 10, House and Senate agreed to conference report and resolved amendments in disagreement.

Grand total, titles I, II and III, Supplemental Appropriations Act, 1984:

New budget (obligational) authority (net)		$6,176,745,000
Appropriations, FY 1984 (net)	$6,126,694,000	
Appropriations, FY 1984	[1](7,850,961,000)	
Subscription to capital stock	(50,000,000)	
Appropriations for debt reduction	(−1,514,550,000)	
Contract authority	(150,000,000)	
Rescissions	(−25,447,000)	
Rescission of contract authority, indefinite	(−384,270,000)	
Appropriations, FY 1985	20,551,000	
Appropriations, FY 1986	29,500,000	
Loan authority	*(175,000,000)*	
Rescission of limitation on contract authority, indefinite	*(−21,912,000)*	
By transfer	*(216,699,700)*	
Limitation on contract authority	*(15,000,000)*	
Limitation on availability of revenue	*(50,000)*	
Increase in limitation on administrative expenses	*(71,383,000)*	
District of Columbia funds	*(14,373,000)*	
Transfer from Commodity Credit Corporation	*(45,000)*	
Section 32—increase in limitation	*(58,000)*	
Increase in limitations	*(84,000)*	
Trust fund transfer	*(117,000)*	

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[1] Includes $1,648,025,000 in "indefinite" interest payments in chapter X.

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made or rescinded in the foregoing act:

Chapter	Department or Establishment	Amount
	TITLE I—GENERAL SUPPLEMENTALS	
I	Department of Agriculture:	
	New budget (obligational) authority (net)	$1,029,567,000
	Appropriations	(979,567,000)
	Subscription to capital stock	(50,000,000)
	Loan authority	*175,000,000*
II	Commerce, Justice, State and Judiciary:	
	New budget (obligational) authority (net)	120,340,000
	By transfer	*20,457,000*
III	Department of Defense:	
	New budget (obligational) authority (net)	331,900,000
	By transfer	*52,000,000*
IV	Energy and Water Development	15,000,000
V	Department of Housing and Urban Development:	
	New budget (obligational) authority (net)	481,868,000
	Appropriations	(686,138,000)
	Contract authority	(150,000,000)
	Rescission of contract authority, indefinite	(−354,270,000)
	Limitation on contract authority	*15,000,000*
	Rescission of limitation on contract authority, indefinite	*−21,912,000*
	Increase in limitation on administrative expenses	*66,989,000*
VI	Interior and Related Agencies:	
	New budget (obligational) authority (net)	662,828,000
	Appropriations	(692,828,000)
	Rescission of contract authority	(−30,000,000)
	By transfer	*17,820,000*
VII	Labor, Health and Human Services and Education:	
	New budget (obligational) authority (net)	260,848,000
	Appropriations, FY 1984	(210,848,000)
	Appropriations, FY 1985	(20,500,000)
	Appropriations, FY 1986	(29,500,000)
	By transfer	*6,717,000*
VIII	Legislative Branch:	
	New budget (obligational) authority (net)	143,459,000
	Appropriations, FY 1984	(143,480,000)
	Appropriations, FY 1985	(51,000)
	Rescission	(−72,000)
	Increase in limitation on administrative expenses	*1,900,000*
IX	Military Construction	74,000,000
X	Department of Transportation:	
	New budget (obligational) authority (net)	118,100,000
	Appropriations	[1](1,658,025,000)
	Appropriation for debt reduction	(−1,514,550,000)
	Rescission	(−25,375,000)
	By transfer	*21,000,000*
XI	Treasury, Postal Service & General Government:	
	New budget (obligational) authority	239,481,000
	By transfer	*3,000,000*
	Limitation on availability of revenue	*50,000*
XII	Foreign Operations	602,922,000
XIII	District of Columbia:	
	District of Columbia Funds (net)	*(14,373,700)*
	Operating expenses	*(35,991,000)*
	Rescission	*(−21,617,300)*
	By transfer	*(12,719,800)*
	Total, title I—General Supplementals:	
	New budget (obligational) authority (net)	4,080,313,000
	Appropriations, FY 1984 (net)	(4,030,334,000)
	Appropriations	[2](5,754,529,000)
	Subscription to capital stock	(50,000,000)
	Appropriations for debt reduction	(−1,514,550,000)
	Contract authority	(150,000,000)
	Rescissions	(−25,375,000)
	Rescission of contract authority	(−384,270,000)

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[1] Includes $1,648,025,000 "indefinite" interest payments.

[2] Includes $1,648,025,000 "indefinite" interest payments in chapter X.

Chapter	Department or Establishment	Amount
	TITLE I—GENERAL SUPPLEMENTALS—Continued	
	Total, title I—General Supplementals—Continued:	
	Appropriations, FY 1985 (net)	($20,479,000)
	Appropriations	(20,551,000)
	Rescission	(−72,000)
	Appropriations, FY 1986	(29,500,000)
	Loan authority	*(175,000,000)*
	Rescission of limitation on contract authority	*(−21,912,000)*
	By transfer	*120,994,000*
	Limitation on contract authority	*(15,000,000)*
	Limitation on availability of revenue	*(50,000)*
	Increase in limitation on administrative expenses	*(68,889,000)*
	District of Columbia Funds	*(14,373,700)*
	TITLE II—INCREASED PAY COSTS	
	Legislative Branch	26,727,000
	The Judiciary *(by transfer)*	*10,360,000*
	Executive Office of the President	969,000
	Funds Appropriated to the President	4,790,000
	Department of Agriculture	27,254,000
	By transfer	*10,814,000*
	Transfer from Commodity Credit Corporation	*45,000*
	Section 32—Increase in limitation	*58,000*
	Department of Commerce	14,195,000
	By transfer	*3,180,000*
	Department of Defense—Military	1,576,482,000
	By transfer	*30,000,000*
	Department of Defense—Civil	461,000
	By transfer	*4,800,000*
	Department of Education *(by transfer)*	*255,000*
	Department of Energy	1,096,000
	Department of Health and Human Services	19,509,000
	By transfer	*18,081,000*
	Department of Interior	31,591,000
	Department of Justice	52,272,000
	By transfer	*296,000*
	Increase in limitation	*84,000*
	Department of Labor	3,927,000
	Trust fund transfer	*117,000*
	Department of State	10,359,000
	Department of Transportation	39,300,000
	By transfer	*13,600,700*
	Increase in limitation	*1,700,000*
	Department of Treasury	77,850,000
	Environmental Protection Agency	4,900,000
	National Aeronautics and Space Administration	17,582,000
	Office of Personnel Management *(by transfer)*	*898,700*
	Small Business Administration	1,900,000
	By transfer	*2,000,000*
	Veterans Administration	160,069,000
	Limitation on administrative expenses	*334,000*
	Other Independent Agencies	13,106,000
	By transfer	*1,421,000*
	Limitation on administrative expenses	*460,000*
	Other Temporary Commissions	3,593,000
	Total, title II—Increased Pay Costs:	
	New budget (obligational) authority	2,087,932,000
	By transfer	*95,705,700*
	Transfer from Commodity Credit Corporation	*45,000*
	Increase in limitation	*84,000*
	Section 32—Increase in limitation	*58,000*
	Trust fund transfer	*117,000*
	Limitation on administrative expenses	*2,494,000*
	TITLE III—GENERAL PROVISIONS	
	Corps of Engineers—Civil	8,500,000
	Total, title III—General Provisions:	
	New budget (obligational) authority	8,500,000

Chapter	Department or Establishment	Amount
	RECAPITULATION	
	Grand total, titles I, II, and III:	
	New budget (obligational) authority (net)	$6,176,745,000
	Appropriations, FY 1984 (net)	(6,126,766,000)
	Appropriations	[1](7,850,961,000)
	Subscription to capital stock	(50,000,000)
	Appropriations for debt reduction	(−1,514,550,000)
	Contract authority	(150,000,000)
	Rescissions	(−25,375,000)
	Rescission of contract authority, indefinite	(−384,270,000)
	Appropriations, FY 1985 (net)	(20,479,000)
	Appropriations	(20,551,000)
	Rescission	(−72,000)
	Appropriations, FY 1986	(29,500,000)
	Loan authority	*175,000,000*
	Rescission of limitation on contract authority, indefinite	*−21,912,000*
	By transfer	*216,699,700*
	Limitation on contract authority	*15,000,000*
	Limitation on availability of revenue	*50,000*
	Increase in limitation on administrative expenses	*71,383,000*
	District of Columbia Funds	*14,373,700*
	Transfer from Commodity Credit Corporation	*45,000*
	Section 32—Increase in limitation	*58,000*
	Increase in limitation	*84,000*
	Trust fund transfer	*117,000*

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[1] Includes $1,648,025,000 "indefinite" interest payments in chapter X

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985

98th Congress, H.R. 5743

[NOTE.—The following bill, H.R. 5743, was enrolled when the conference report was filed in the House on September 25, 1984. The conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for in the continuing resolution, Public Law 98-473. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. (See Public Law 98-473, Sec. 101(a) on p. 283, this volume, and pp. 1865-1871 for the table VIII showing estimates and funding levels by appropriation account.)]

A BILL

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $75,000 for employment under 5 U.S.C. 3109, $5,240,000: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary. $5,240,000

STANDARD LEVEL USER CHARGES (USDA)

For payment of Standard Level User Charges pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $67,254,000: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for Standard Level User Charges to or from this account. 67,254,000

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, $1,385,000: *Provided,* That no other funds in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees. $1,385,000

DEPARTMENTAL ADMINISTRATION

For Budget and Program Analysis, $3,767,000; for Personnel, Finance and Management, Operations, Information Resources Management, Equal Opportunity, Small and Disadvantaged Business Utilization, and Administrative Law Judges and Judicial Officer, $14,930,000; making a total of $18,697,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558. 18,697,000

WORKING CAPITAL FUND

An amount of $6,000,000 is hereby appropriated to the Departmental Working Capital Fund to increase the Government's equity in this fund and to provide for the purchase of automated data processing, data communication, and other related equipment necessary for the provision of Departmental centralized services to the agencies. 6,000,000

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the Department, $6,655,000, of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225). 6,655,000

For necessary expenses for liaison with the Congress on legislative matters, $495,000. 495,000

For necessary expenses for programs involving intergovernmental affairs, emergency preparedness, and liaison within the executive branch, $465,000. 465,000

[*Total, Office of Governmental and Public Affairs, $7,615,000.*]

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), $30,142,000 including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95–452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and in addition, $15,924,000 shall be derived by transfer from the appropriation, "Food Stamp Program", and merged with this appropriation.

$30,142,000

15,924,000
(by transfer)

OFFICE OF THE GENERAL COUNSEL

For necessary expenses, $14,929,000; and in addition, $786,000 shall be derived by transfer from the appropriation, "Food Stamp Program", and merged with this appropriation.

14,929,000
786,000
(by transfer)

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109, $6,936,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to persons or persons who require, nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94–582 other than those necessary to fulfill the purposes of such Act.

6,936,000

INSPECTION AND WEIGHING SERVICES

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,856,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

36,856,000
(from fees collected)

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and to coordinate and provide program leadership for higher education work of the Department, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; $489,022,000: *Provided,* That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That funds appropriated herein can be used to provide financial assistance to the organizers of international

489,022,000

conferences, if such conferences are in support of agency programs: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of $400 annually: *Provided further,* That of the appropriations hereunder not less than $10,526,600 shall be available to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $125,000, except for headhouses connecting greenhouses which shall each be limited to $500,000, and except for ten buildings to be constructed or improved at a cost not to exceed $250,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $125,000 whichever is greater: *Provided further,* That the limitations on alterations contained in this Act shall not apply to a total of $200,000 for facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That the limitation on purchase of land shall not apply to an option to purchase land at Houma, Louisiana, and at Fresno, California, for a term of not to exceed one year.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,000,000.

$2,000,000 *(reappropriation, indefinite)*

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, where not otherwise provided, $23,050,000, to remain available until expended.

23,050,000

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), $5,000,000: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

5,000,000

Cooperative State Research Service

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $156,484,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), and further amended by Public Law 92–318 approved June 23, 1972, and further amended by Public Law 93–471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $13,053,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $23,474,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $27,328,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $46,000,000 for competitive research grants, including administrative expenses; $5,760,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $702,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; $500,000 for rangeland research grants as authorized by subtitle M of the National Agricultual Research, Extension, and Teaching Policy Act of 1977, as amended; $10,000,000 for grants to upgrade 1890 land-grant college research facilities as authorized by section 1433 of Public Law 97-98, to remain available until expended; and $975,000 for necessary expenses of Cooperative State Research Service activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $284,276,000. $284,276,000

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), section 506 of the Act of June 23, 1972, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $241,484,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,354,000; payments for the urban gardening program under section 3(d) of the Act, $3,500,000; payments for the pest management program under section 3(d) of the Act, $7,531,000; payments for the farm safety program under section 3(d) of the Act, $1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $1,716,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $2,500,000; payments for a financial management assistance program under section 3(d) of the Act, $1,000,000; payments for extension work under section 209(c) of Public Law 93-471, $983,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute, $17,741,000; in all, $337,829,000; of which not less than 337,829,000
$79,400,000 is for Home Economics: *Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid

to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $5,898,000; of which not less than $2,300,000 is for Home Economics. $ 5,898,000

[*Total, Extension Activities, $343,727,000.*]

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, $11,400,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $575,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements. 11,400,000

[*Total, Research and Extension, $1,158,475,000.*]

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $277,041,000; of which $1,000,000 shall be available for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided,* That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts. 277,041,000

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, $2,361,000.

$2,361,000

[*Total, Animal and Plant Health Inspection Service, $279,402,000.*]

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $353,239,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $90,000, except for two buildings to be constructed or improved at a cost not to exceed $150,000, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

353,239,000

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $45,614,000; of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided,* That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further,* That the $545,000 made available under this paragraph by Public Law 98-151 for the purpose of defraying expenses incurred in moving to new quarters shall be available until expended.

45,614,000

545,000

[*Total, Economic Research Service, $46,159,000.*]

Statistical Reporting Service

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $56,289,000: *Provided,* That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

$56,289,000

Agricultural Cooperative Service

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,639,000; of which $139,000 shall be available for a field office in Hawaii: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

4,639,000

World Agricultural Outlook Board

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,642,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109.

1,642,000

Agricultural Marketing Service

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $70,000 for employment under 5 U.S.C. 3109, $29,464,000; of which not less than $1,543,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds appropriated or made available under this Act may be used by the Secretary of

29,464,000

Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $26,500,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses. *$26,500,000 (from fees collected)*

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $5,995,000 for formulation and administration of Marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961. *5,995,000 (by transfer)*

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $990,000. 990,000

Office of Transportation

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,515,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building. 2,515,000

[*Total, Agricultural Marketing Service, $32,969,000.*]

Packers and Stockyards Administration

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $9,035,000. 9,035,000

[*Total, Production, Processing and Marketing, $2,100,047,000.*]

Farm Income Stabilization

Agricultural Stabilization and Conservation Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural

Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); and laws pertaining to the Commodity Credit Corporation, $50,857,000: *Provided,* That, in addition, not to exceed $344,199,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund for a total of $395,056,000: *Provided further,* That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

$50,857,000
344,199,000
(by transfer)

DAIRY INDEMNITY PROGRAM

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000: *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

100,000

[*Total, Agricultural Stabilization and Conservation Service:*
[*New budget (obligational) authority* .... *$50,957,000.*]
[*By transfer* .... *344,199,000.*]

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $200,000,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

$200,000,000

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $110,000,000.

110,000,000

[*Total Federal Crop Insurance Corporation, $310,000,000.*]

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $8,350,000,000.

8,350,000,000
(borrowing authority)

GENERAL SALES MANAGER

(ALLOTMENT FROM COMMODITY CREDIT CORPORATION)

Not to exceed $6,025,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager who shall work to expand and strengthen sales of United States commodities (including those of the Corporation) in world markets pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of

6,025,000
(by transfer)

1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

[Total, Farm Income Stabilization:	
[New budget (obligational) authority (all definite appropriations)	*$8,710,957,000.]*
[By transfer	*350,224,000.]*
[Total, title I, Agricultural Programs:	
[New budget (obligational) authority	*$10,811,004,000.]*
[Definite appropriations	*10,809,004,000.]*
[Indefinite appropriations	*2,000,000.]*
[By transfer	*372,929,000.]*
[Limitation on obligations	*63,356,000.]*

TITLE II—RURAL DEVELOPMENT PROGRAMS

Rural Development Assistance

Office of Rural Development Policy

For necessary expenses, not otherwise provided for, of the Office of Rural Development Policy in providing leadership, coordination, and related services in carrying out the rural development activities of the Department of Agriculture, as authorized by section 603 of the Rural Development Act of 1972, as amended (7 U.S.C. 2204b); section 2 of the Rural Development Policy Act of 1980 (7 U.S.C. 1921), and grants pursuant to the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11) and 7 U.S.C. 1932(c)), $2,345,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 of this appropriation shall be available for employment under 5 U.S.C. 3109.

$2,345,000

Farmers Home Administration

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $17,000,000 shall be available from funds in the Rural Housing Insurance Fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $3,221,000,000; of which not less than $3,220,000,000 shall be available for subsidized interest loans to low-income borrowers, as determined by the Secretary, and for subsequent loans to existing borrowers or to purchasers under assumption agreements or credit sales; and not to exceed $10,000,000 to enter into collection and servicing contracts pursuant to the provisions of section 3(f)(3) of the Federal Claims Act of 1966 (31 U.S.C. 952).

17,000,000 (loan authorization)
3,221,000,000 (loan authorization)
10,000,000 (limitation on obligations)

During fiscal year 1985, no more than 10,500 units may be assisted under rental assistance agreements entered into or extended during the year pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, and the total new obligation incurred over the life of these agreements shall not exceed $116,000,000 to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided,* That the life of the agreements entered into or extended during fiscal year 1985 shall not exceed five years.

116,000,000 (loan authorization)

For an additional amount to reimburse the Rural Housing Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including $2,985,000 as authorized by section 521(c) of the

Act, $1,843,927,000, and for an additional amount as authorized by section 521(c) of the Act as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

$1,843,927,000

[*Total, Rural Housing Insurance Fund:*
[*New budget (obligational) authority (all definite appropriations)* .... *$1,843,927,000.*]
[*Loan authorizations* .... *3,354,000,000.*]
[*Limitation on obligations* .... *10,000,000.*]

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans from the Self-Help Housing Land Development Fund pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $2,700,000.

2,700,000 (loan authorization)

AGRICULTURAL CREDIT INSURANCE FUND

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, or guaranteed, as follows: real estate loans, $732,000,000, including not less than $700,000,000 for farm ownership loans of which $50,000,000 shall be guaranteed loans; and not less than $28,000,000 for water development, use, and conservation loans of which $6,000,000 shall be guaranteed loans; operating loans, $2,420,000,000 of which $500,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters.

732,000,000 (loan authorization)

2,420,000,000 (loan authorization)

870,000,000 (loan authorization, indefinite)

For an additional amount to reimburse the Agricultural Credit Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $1,089,943,000.

1,089,943,000

[*Total, Agricultural Credit Insurance Fund:*
[*New budget (obligational) authority (all definite appropriations)* .... *$1,089,943,000.*]
[*Loan authorizations, definite* .... *3,152,000,000.*]
[*Loan authorizations, indefinite* .... *870,000,000.*]

RURAL DEVELOPMENT INSURANCE FUND

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661–664, as follows: insured water and sewer facility loans, $340,000,000; guaranteed industrial development loans, $150,000,000; and insured community facility loans, $115,000,000.

340,000,000 (loan authorization)

150,000,000 (loan authorization)

115,000,000 (loan authorization)

For an additional amount to reimburse the Rural Development Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $560,005,000.

560,005,000

[*Total, Rural Development Insurance Fund:*
[*New budget (obligational) authority (all definite appropriations)* .... *$560,005,000.*]
[*Loan authorizations* .... *605,000,000.*]

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $115,000,000, to remain available until expended, pursuant to section 306(d) of the above Act.

$115,000,000

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000.

12,500,000

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $8,000,000.

8,000,000

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,250,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

3,250,000

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $1,000,000.

1,000,000

RURAL RENTAL ASSISTANCE PAYMENTS

For new rental assistance agreements entered into during fiscal year 1985 pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, $52,250,000. During fiscal year 1985, no more than 4,750 new units may be assisted under the agreements entered into during that year, and the total costs incurred over the life of these agreements shall not exceed the amount appropriated: *Provided*, That the life of the agreements entered into or extended during fiscal year 1985 shall not exceed five years.

52,250,000

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $5,000,000.

5,000,000

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490h); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $327,251,000, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act

327,251,000
3,000,000
(by transfer)

of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided,* That, in addition, not to exceed $1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further,* That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $1,600,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided further,* That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

$1,000,000
(by transfer)

[*Total, Farmers Home Administration, $4,018,126,000.*]

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $850,000,000 nor more than $1,100,000,000; and rural telephone loans, not less than $250,000,000 nor more than $325,000,000; to remain available until expended: *Provided,* That loans made pursuant to section 306 of that Act are in addition to these amounts but during 1985 total commitments to guarantee loans pursuant to section 306 shall be not less than $1,325,000,000 nor more than $2,345,000,000 of contingent liability for total loan principal: *Provided further,* That as a condition of approval of insured electric loans during fiscal year 1985, borrowers **shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982.**

[1] *850,000,000*
(loan authorization)
[1] *250,000,000*
(loan authorization)
[1] *1,325,000,000*
(loan authorization)

For an additional amount to reimburse the rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), $215,964,000.

[1] *215,964,000*

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[1] Excluded from budget totals by Public Law 93–32.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $30,000,000, to remain available until expended (7 U.S.C. 901-950(b)). [1] *$30,000,000*

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During 1985, and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $185,000,000 nor more than $220,000,000. [1] *185,000,000*

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, $841,000. 841,000

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1985, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $30,340,000. 30,340,000

[Total, Rural Electrification Administration, $31,181,000.]

[Total, Rural Development Assistance:

[New budget (obligational) authority (all definite appropriations)	*$4,051,652,000.]*
[By transfer	*4,000,000.]*
[Loan authorizations, definite	*7,113,700,000.]*
[Loan authorizations, indefinite	*870,000,000.]*
[Limitation on obligations	*10,000,000.]*

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $356,364,000; of which not less than $3,913,000 is for snow survey and water forecasting and not less than $3,999,000 is for operation of the plant materials centers: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service. $356,364,000

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[1] Excluded from budget totals by Public Law 93-32.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), $14,654,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109. 14,654,000

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), $8,750,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109. 8,750,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $182,300,000 (of which $27,300,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supple- 182,300,000 mented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $14,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

$14,000,000 (loan authorization)

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $26,000,000: *Provided*, That $2,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

26,000,000
2,000,000 (loan authorization)

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $21,315,000, to remain available until expended.

21,315,000

[*Total, Soil Conservation Service, $609,383,000.*]

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q), and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $190,000,000, to remain available until expended for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for

190,000,000

drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,500,000, to remain available until expended, as authorized by that Act. $12,500,000

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $8,800,000, to remain available until expended. 8,800,000

[*Total, Agricultural Stabilization and Conservation Service, $211,300,000.*]

[*Total, Conservation:*

[*New budget (obligational) authority (all definite appropriations)*	*$820,683,000.*]
[*Loan authorizations*	*16,000,000.*]

[Total, title II, Rural Development Programs:

[New budget (obligational) authority (all definite appropriations)	*$4,872,335,000.]*
[By transfer	*4,000,000.]*
[Loan authorizations, definite	*7,129,700,000.]*
[Loan authorizations, indefinite	*870,000,000.]*
[Limitation on obligations	*10,000,000.]*

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

[1] 1,474,861,000
2,329,819,000
(by transfer)
48,700,000
(subject to
budget request)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788); $3,804,680,000, to remain available through fiscal year 1986, of which $1,474,861,000 is hereby appropriated and $2,329,819,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, of funds provided herein, $48,700,000 shall be available only to the extent an official budget request is transmitted to the Congress: *Provided further*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That if the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

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[1] Includes appropriation of $48,700,000, available subject to submission of budget request which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of the new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $17,600,000, to remain available until September 30, 1986: *Provided*, That only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

$17,600,000

FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $1,254,288,000 for the period October 1, 1984 through August 1, 1985; and $245,712,000 for the period August 2, 1985 through September 30, 1985, which shall be available only to the extent an official budget request is transmitted to the Congress: *Provided*, That funds shall be apportioned to the States based on an annual appropriation level of $1,500,000,000: *Provided further*, That funds provided herein shall remain available until September 30, 1986.

[1] 1,500,000,000
245,712,000
(subject to budget request)

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $1,350,000 for the projects in Detroit, New Orleans, and Des Moines, $24,918,000: *Provided*, That funds provided herein shall remain available until September 30, 1986: *Provided further*, That, of funds provided herein, not to exceed $6,416,000 shall be made available for States for carrying out section 5 of the Agriculture and Consumer Protection Act of 1973.

24,918,000

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2027, 2029), $11,450,000,000, of which $652,427,000 shall be available only to the extent an official budget request is transmitted to the Congress: *Provided*, That funds provided herein shall remain available until September 30, 1985, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall

[2] 11,450,000,000
652,427,000
(subject to budget request)

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[1] Includes appropriation of $245,712,000, available subject to submission of budget request which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of the new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[2] Includes appropriation of $652,427,000, available subject to submission of budget request which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of the new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste and abuse in the program.

NUTRITION ASSISTANCE FOR PUERTO RICO

For monthly payments to the Commonwealth of Puerto Rico for nutrition assistance as authorized by 7 U.S.C. 2028, $825,000,000. $825,000,000

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)) and section 4(b) of the Food Stamp Act (7 U.S.C. 2013), $139,546,000: *Provided*, That for fiscal year 1985 only final reimbursement claims for service of meals submitted within ninety days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. 139,546,000

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended, $50,000,000: *Provided*, That, in accordance with section 202 of Public Law 98-92, the funds shall be available only if the Secretary determines the existence of excess commodities. 50,000,000

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, $83,187,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109. 83,187,000

[*Total, Food and Nutrition Service, $15,565,112,000.*]

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economies of food utilization, $7,496,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225). 7,496,000

[*Total, title III, Domestic Food Programs:*

[*New budget (obligational) authority*	[1] *$15,572,608,000.*]
[*Definite appropriations*	*14,625,769,000.*]
[*Subject to budget request*	*946,839,000.*]
[*By transfer*	*2,329,819,000.*]

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[1] Includes appropriations of $48,700,000, $245,712,000, and $652,427,000, available subject to submission of budget requests which were not submitted at the time this bill was approved (see pp. 92-93). The estimates were allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of the new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental requests were not received by the Congress.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $83,448,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

$83,448,000

PUBLIC LAW 480

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, not more than $1,021,000,000; of which $705,000,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, carryover balances, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $650,000,000, of which $650,000,000 is hereby appropriated: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of this paragraph may be used to carry out any other title of this paragraph.

705,000,000

650,000,000

[*Total, Public Law 480, $1,355,000,000.*]

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), $5,038,000; and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

5,038,000

[*Total, title IV, Rural Development Programs, new budget (obligational) authority (all definite appropriations), $1,443,486,000.*]

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $372,072,000. $372,072,000

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $1,450,000. 1,450,000

STANDARD LEVEL USER CHARGES (FDA)

For payment of Standard Level User Charges pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $26,072,000: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for Standard Level User Charges to or from this account. 26,072,000

[*Total, Food and Drug Administration, $399,594,000.*]

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $27,292,000; including not to exceed $700 for official reception and representation expenses, and not to exceed $2,957,000 for automated data processing. 27,292,000

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed $22,092,000 (from assessments collected from farm credit system banks) shall be obligated during the current fiscal year for administrative expenses including the hire of three passenger motor vehicles, as authorized under 12 U.S.C. 2249. *22,092,000 (limitation on obligations)*

[*Total, title V, Related Agencies:*
  [*New budget (obligational) authority (all definite appropriations)* .... *$426,886,000.*]
  [*Limitation on obligations* .... *22,092,000.*]

TITLE VI--GENERAL PROVISIONS

SEC. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1985 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed seven hundred thirty-four (734) passenger motor vehicles of which seven hundred six (706) shall be for replacement only, and for the hire of such vehicles.

SEC. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 604. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

SEC. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 606. Advances of money from any appropriation in this Act for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.

SEC. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Foreign Currency Program); Public Law 480; Mutual and Self-Help Housing; Rural Housing for Domestic Farm Labor; Watershed and Flood Prevention Operations; Resource Conservation and Development; Animal and Plant Health Inspection Service, Buildings and Facilities; Agricultural Stabilization and Conservation Service Salaries and Expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; and Buildings and Facilities, Food and Drug Administration.

SEC. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 610. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 per centum of the value of the loans closed during the fiscal year.

SEC. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 619. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 620. During fiscal year 1985, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 621. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of Standard Level User Charges in excess of the amounts specified in this Act.

SEC. 622. In fiscal year 1985, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 623. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 624. None of the funds appropriated by this or any other Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 625. Provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

SEC. 626. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Farmers Home Administration, 11,700; Agricultural Stabilization and Conservation Service, 2,550; and Soil Conservation Service, 14,156.

SEC. 627. Notwithstanding section 502(d) of the Housing Act of 1949, from amounts made available for the Rural Housing Insurance Fund in this Act for fiscal year 1985, $1,610,000,000 shall be made available for low-income borrowers and $690,000,000 shall be made available for very low-income borrowers: *Provided*, That up to $230,000,000 may be transferred from low-income amounts to very low-income amounts if the Secretary certifies that qualified applicants are available.

SEC. 628. The Secretary shall use the authority provided by law in 7 U.S.C. 1981a which provides:

LOAN MORATORIUM AND POLICY ON FORECLOSURES

In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

The Secretary shall implement regulations pursuant to this section within sixty days of the enactment of this Act: *Provided*, That of the amount made available for guaranteed operating loans, not to exceed $200,000,000 may be added to and used for guaranteed farm ownership loan purposes.

LEGISLATIVE HISTORY—H.R. 5743

HOUSE REPORTS: No. 98-809 (Comm. on Appropriations) and 98-1071 (Comm. of Conference).
SENATE REPORT No. 98-566 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 6, considered and passed House.
August 9 and 10, considered and passed Senate, amended.
September 25, conference report filed in House.

Grand Total:		
Definite appropriations	$32,177,480,000	
Indefinite appropriations	2,000,000	
Subject to budget request	946,839,000	
By transfer	*(2,706,748,000)*	
Loan authorizations, definite	*(7,129,700,000)*	
Loan authorizations, indefinite	*(870,000,000)*	
Limitation on obligations	*(95,448,000)*	
Total, new budget (obligational) authority, Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985		[1] $33,126,319,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(a) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for the Department of Agriculture for such fiscal year:

Permanent appropriations:		
Federal funds (pp. 1770-1771)	$3,343,919,000	
Trust funds (pp. 1784-1785)	282,372,000	
Department of the Interior Appropriation Bill, 1985: Forest Service (pp. 301-304)	[2] 1,310,073,000	
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Agricultural Research Service (p. 408)	1,000,000	
Subtotal, additions		4,937,364,000

Deduct amounts transferred to Department of Health and Human Services, and General Government totals:

Department of Health and Human Services: Food and Drug Administration (p. 96)	$399,594,000	
General Government: Commodity Futures Trading Commission (p. 96)	27,292,000	
Subtotal, deductions		−426,886,000
Grand total, Department of Agriculture		[1] 37,636,797,000

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[1] The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 73, this volume).

[2] Includes $3,685,000 in "indefinite" appropriations.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

Public Law 98-411

98th Congress, H.R. 5712

August 30, 1984

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $35,990,000. $35,990,000

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for the promotion of foreign commerce and for scientific and technological research and development, as authorized by law, $500,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to the Department of Commerce, for payments in the foregoing currencies. 500,000

[*Total, General Administration, $36,490,000.*]

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $85,500,000. 85,500,000

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $81,000,000, to remain available until expended. $81,000,000

[*Total, Bureau of the Census, $166,500,000.*]

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $31,085,000. 31,085,000

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $200,000,000: *Provided*, That during fiscal year 1985 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. 200,000,000

150,000,000 (limitation on loan guarantees)

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985. 28,500,000

[*Total, Economic Development Administration, $228,500,000.*]

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $165,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad; $192,418,000, to remain available until expended, of which not to exceed $1,700,000 is for Executive direction, Administration: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual 192,418,000

Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1985 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $6,500,000. During fiscal year 1985, total commitments to guarantee loans shall not exceed $15,000,000 of contingent liability for loan principal.

$6,500,000 (limitation on direct loans)
15,000,000 (limitation on loan guarantees)

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $49,885,000, of which $36,000,000 shall remain available until expended: *Provided*, That not to exceed $13,885,000 shall be available for program management: *Provided further*, That the Minority Business Development Agency shall maintain a permanent position and full-time office in the city of Pittsburgh, Pennsylvania: *Provided further*, That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprograming procedures.

49,885,000

United States Travel and Tourism Administration

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, including travel and tourism promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $8,000 for representation expenses abroad; $12,000,000: *Provided*, That not later than January 1, 1985, the Secretary of Commerce shall establish offices of the United States Travel and Tourism Administration in Italy, the Netherlands, and Australia, and that such offices be in addition to rather than in lieu of any offices of the United States Travel and Tourism Administration that existed in foreign nations on April 1, 1984.

12,000,000

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including

initial equipment; alteration, modernization, and relocation of facili-
ties; and acquisition of land for facilities; $1,113,066,000, to remain $1,113,066,000
available until expended, of which $2,000,000 shall be available for
emergency beach rehabilitation in the State of New Jersey, notwith-
standing any other provision of this paragraph; and in addition,
$27,000,000 shall be derived from the Airport and Airways Trust 27,000,000
Fund; and in addition, $25,900,000 shall be derived by transfer from *25,900,000*
the Fund entitled "Promote and develop fishery products and *(by transfer)*
research pertaining to American Fisheries"; and in addition,
$9,300,000 shall be derived by transfer from the Fund entitled *9,300,000*
"Coastal Energy Impact Fund": *Provided*, That unobligated bal- *(by transfer)*
ances in the account "Coastal Zone Management" are merged with this account on October 1, 1984: *Provided further*, That grants to States pursuant to section 306 and section 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: *Provided further*, That upon reimbursement by the Secretary of the Navy for the cost of the NOAA-D spacecraft, and upon a determination by the Secretary of Commerce that the NOAA-D spacecraft is not needed to replace a NOAA polar orbiting satellite, the Secretary of Commerce shall make the spacecraft available for the Navy Remote Ocean Sensing System, and the Secretary of the Navy shall provide the Secretary of Commerce with access to the civil data produced by the system: *Provided further*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372,
not to exceed $250,000, to be derived from receipts collected pursu- 250,000
ant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by
these Acts, not to exceed $4,500,000, to remain available until 4,500,000
expended.

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fisher-
men's Protective Act of 1967, as amended, $1,800,000, to be derived 1,800,000
from the receipts collected pursuant to that Act, to remain available
until expended.

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980

(Public Law 96-561), there are appropriated to the Fisheries Loan Fund, $2,500,000 from receipts collected pursuant to that Act: *Provided*, That during fiscal year 1985 not to exceed $300,000 of the Fisheries Loan Fund shall be available for administrative expenses. $2,500,000

[*Total, National Oceanic and Atmospheric Administration:*
[*New budget (obligational) authority .... $1,149,116,000.*]
[*By transfer .... $35,200,000.*]

Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $101,631,000, and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended. 101,631,000

National Bureau of Standards

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $123,985,000, to remain available until expended, of which $500,000 shall be made available to establish a regional radiation calibration center at the University of Arkansas, and of which not to exceed $5,229,000 may be transferred to the "Working Capital Fund". 123,985,000

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $13,694,000, of which $700,000 shall remain available until expended. 13,694,000

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $24,000,000, to remain available until expended: *Provided*, That not to exceed $1,200,000 shall be available for program management as authorized by section 391 of the Communications Act of 1934, as amended. 24,000,000

[*Total, National Telecommunications and Information Administration, $37,694,000.*]

General Provisions—Department of Commerce

Sec. 101. During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

Sec. 102. During the current fiscal year, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

Sec. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

SEC. 104. No funds in this Act, or any other Act, may be used within two years after the date of enactment of this Act, to transfer title to the parcel of real property located on McKown Point, West Boothbay Harbor, Maine (General Services Administration control number 1314-30174-23), unless such transfer is to the State of Maine, and contains conditions and use restrictions similar to those in the transfer of the adjacent parcel of real property on September 26, 1978 (General Services Administration control number 1314-30174-23-015-0800): *Provided*, That the title of the property will revert back to the Federal Government if the property ceases to be used for public purposes.

[*Total, Department of Commerce:*

[*New budget (obligational) authority (all definite appropriations*	*$2,129,304,000.*]
[*By transfer*	*35,200,000.*]
[*Limitations on direct loans*	*6,500,000.*]
[*Limitations on loan guarantee authority*	*165,000,000.*]

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $377,750,000, to remain available until expended. *$377,750,000 (liquidation of contract authorization)*

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for research and development activities, as authorized by law, $2,900,000, to remain available until expended, 2,900,000
and in addition, $7,000,000, to remain available until expended, *7,000,000*
which shall be derived by transfer from the unobligated balances of *(by transfer)*
the Ship Construction account.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $77,467,000, to remain available until expended: 77,467,000
Provided, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

None of the funds provided in this Act for the Maritime Administration shall be used for enforcement of any rule with respect to the repayment of construction differential subsidy for permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended, until May 15, 1985.

[*Total, Maritime Administration:*

[*New budget (obligational) authority (all definite appropriations*	*$80,367,000.*]
[*By transfer*	*7,000,000.*]
[*Liquidation of contract authorization*	*377,750,000.*]

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $200,000 for land and structures; not to exceed $200,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed twelve) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $93,611,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1986, for research and policy studies. $93,611,000

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $12,292,000: *Provided,* That not to exceed $1,500 shall be available for official reception and representation expenses. 12,292,000

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $64,311,000: *Provided,* That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374). 64,311,000

International Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $24,830,000. 24,830,000

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $929,000. $929,000

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $13,582,000: *Provided,* That not to exceed $68,000 shall be available for official reception and representation expenses. 13,582,000

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $105,337,000. 105,337,000

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $2,500 for official reception and representation expenses, $205,340,000: *Provided,* That none of these funds shall be available after January 1, 1985 for establishing a comprehensive statistical data base on the small business sector in the United States economy and for other research on small business issues unless a computerized listing of small businesses in the United States is made available upon request to the Small Business Development Centers established under the authority of the Small Business Act, as amended; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, $28,500,000. In addition, $70,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

205,340,000

28,500,000
70,000,000
(by transfer)

[*Total, salaries and expenses, $233,840,000.*]

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, $2,000,000, to remain available until expended: *Provided,* That none of these funds shall be available for obligation until December 1, 1984. 2,000,000

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government

Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund", and the "Surety bond guarantees revolving fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", $269,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", $215,000,000, to remain available without fiscal year limitation. $269,000,000 215,000,000

[Total, Business Loan and Investment Fund, $484,000,000.]

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety bond guarantees revolving fund", authorized by the Small Business Investment Act, as amended, $8,910,000 to remain available without fiscal year limitation. 8,910,000

[Total, Small Business Administration:

[New budget (obligational) authority (all definite appropriations)	*$728,750,000.]*
[By transfer	*70,000,000.]*

[Total, Related Agencies, $1,124,009,000.]

This title may be cited as the "Department of Commerce and Related Agencies Appropriation Act, 1985".

[Total, title I, Department of Commerce and Related Agencies:

[New budget (obligational) authority (all definite appropriations)	*$3,253,313,000.]*
[By transfer	*112,200,000.]*
[Limitations on direct loans	*6,500,000.]*
[Limitations on loan guarantee authority	*165,000,000.]*
[Appropriation to liquidate contract authority	*377,750,000.]*

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $71,150,000. 71,150,000

WORKING CAPITAL FUND

For additional capital, $3,000,000 to remain available until expended. 3,000,000

[Total, General Administration, $74,150,000.]

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $8,913,000. 8,913,000

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $194,163,000, of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1986; and of which $3,079,000 shall be for the Office of Special Investigations.

$194,163,000

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $43,519,000.

43,519,000

[*Total, salaries and expenses, Antitrust Division (net), $42,519,000.*]

−1,000,000
(Section 511 reduction)

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $929,000.

929,000

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; and marshals; including acquisition, lease, maintenance, and operation of aircraft, $431,114,000.

431,114,000

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $53,240,000; and in addition, $10,000,000 shall be available under the Cooperative Agreement Program for the purpose of renovating, constructing, and equipping State and local jail facilities that confine Federal prisoners: *Provided*, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further*, That following agreement on or completion of any federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.

63,240,000

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; for use of facilities required as command posts in the protection of witnesses, and for official phone calls made from command posts; $40,600,000, of which not to exceed $500,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites. $40,600,000

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $33,000,000 of which $26,550,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c), the Refugee Education Assistance Act of 1980, Public Law 96-422, for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided,* That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act. 33,000,000

[*Total, Legal Activities (net), $805,565,000.*]

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For expenses necessary for the Presidential Commission on Organized Crime, $1,500,000. 1,500,000

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of, not to exceed one thousand seven hundred passenger motor vehicles of which one thousand five hundred fifty will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $1,147,123,000, of which not to exceed $23,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1986; and of which $10,000,000 for research related to investigative activities shall remain available until expended: *Provided,* That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than $13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further,* That $12,782,000 shall remain available until expended for constructing and equipping new facilities at the FBI Academy, Quantico, Virginia: *Provided further,* That not to exceed $45,000 shall be available for official reception and representation expenses. 1,147,123,000

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed five hundred seventeen passenger motor vehicles of which four hundred eighty-nine are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $329,988,000, of which not to exceed $1,200,000 for research shall remain available until expended and $1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1986.

$329,988,000

Immigration and Naturalization Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed six hundred eight, of which four hundred sixteen shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $576,417,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

576,417,000

Federal Prison System

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed forty of which thirty are for replacement only) and hire of law enforcement and passenger motor vehicles; $503,450,000; and in addition, $4,450,000 shall be derived by transfer from the unobligated balances of the "Buildings and facilities" account: *Provided,* That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

503,450,000
4,450,000
(by transfer)

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, $14,000,000, to remain available until expended.

14,000,000

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $86,056,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

$86,056,000

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,044,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $6,920,000 for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

2,044,000
(limitation)
6,920,000
(limitation)

[*Total, Federal Prison System, $603,506,000.*]

OFFICE OF JUSTICE ASSISTANCE

JUSTICE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice Assistance Act of 1984, as amended, including salaries and expenses in connection therewith, $70,311,000, to remain available until expended: *Provided*, That $5,500,000 of this amount shall be for a criminal justice assistance program, to be available only upon enactment of authorizing legislation: *Provided further*, That $4,000,000 of this amount shall be available to carry out a missing children's assistance program to be available only upon enactment into law of authorizing legislation; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $70,240,000, to remain available until

70,311,000

70,240,000

expended. In addition, $5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel-Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1984 through September 30, 1985 following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1985 a listing of names of such Mariel-Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1985, will complete his review of the certified listings of such incarcerated Mariel-Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000. The obligated and unobligated balances of funds previously appropriated to the Office of Justice Assistance, Research, and Statistics, Law Enforcement Assistance and Research and Statistics appropriations shall be merged with this appropriation. $5,000,000

[*Total, Office of Justice Assistance, $145,551,000.*]

General Provisions—Department of Justice

Sec. 201. A total of not to exceed $75,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

Sec. 202. Notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Sec. 203. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1985, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1985, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1985, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Adminstrator, or the designee of the Director or the Adminstrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1985,

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(I) all criminal proceedings (other than appeals) are concluded, or

(II) covert activities are concluded, whichever occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 204. (a)(1) Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by adding at the end thereof the following new subsection:

"(g) The authority to make payments under this section shall be effective only to the extent provided for in advance by appropriation Acts.".

(2) Section 1202 of such Act (42 U.S.C. 3796a) is amended—

(A) by striking out "or" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following:

"(4) to any person employed in a capacity other than a civilian capacity.".

(3) Section 1203 of such Act is amended—

(A) by striking out clause (3) and inserting in lieu thereof the following:

"(3) 'firefighter'—

"(A) means a person whose duties include performing work directly connected with the control and extinguishment of fires and who, at the time the personal injury referred to in section 1201 is sustained, is engaged in such work or in another emergency operation; and

"(B) includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;";

(B) by striking out clause (5) and inserting in lieu thereof the following:

"(5) 'law enforcement officer' means a person—

"(A) the duties of whose position include performing work directly connected with—

"(i) the control of crime or juvenile delinquency;

"(ii) the enforcement of the criminal laws; or

"(iii) the protection of Federal officials, public buildings or property, or foreign diplomatic missions; and

"(B) who, at the time the personal injury referred to in section 1201 is sustained, is—

"(i) engaged in the detection of crime;

"(ii) engaged in the apprehension of an alleged criminal offender;

"(iii) engaged in the keeping in physical custody of an alleged or convicted criminal offender; or

"(iv) assaulted or subjected to the conduct of criminal activity in the line of duty, and

includes police, correction, probation, parole, and judicial officers;";

(C) in clause (6) by inserting "the United States," after "means"; and

(D) in clause (7), by striking out "fireman" and inserting in lieu thereof "firefighter".

(b) The amendments made by subsection (a) shall take effect with respect to injuries sustained on or after October 1, 1984.

[*Total, Department of Justice:*

[*New budget (obligational) authority (all definite appropriations) (net)*	*$3,692,713,000.*]
[*Limitation on expenses*	*8,964,000.*]
[*By transfer*	*4,450,000.*]

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $12,747,000, of which: $2,299,000 is for reports, studies, and program monitoring as authorized by section 5(a)(1) and section 5(a)(5) of Public Law 98-183; $1,642,000 is for hearings, legal analysis and legal services as authorized by section 6(f) and section 5(a)(1), section 5(a)(2) and section 5(a)(5) of Public Law 98-183; $4,999,000 is for field operations as authorized by section 5(a)(1) and section 5(a)(5) of Public Law 98-183; $831,000 is for publications preparation and dissemination as authorized by section 5(a)(4) of Public Law 98-183; $1,217,000 is for Federal evaluation as authorized by section 5(a)(3) and section 5(a)(5) of Public Law 98-183; $1,231,000 is for liaison and information dissemination as authorized by section 5(a)(4) of Public Law 98-183; $12,747,000 and $528,000 is for a clearinghouse library as authorized by section 5(a)(4) of Public Law 98-183.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $19,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; not to exceed $400,000 for the Office of the Chairman; not to exceed $904,000 for the Offices of the Commissioners; not to exceed $269,000 for the Office of Congressional Affairs; not to exceed $839,000 for the Office of Public Affairs; and not to exceed $563,000 for the Office of Special Projects; $160,755,000. $160,755,000

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000: *Provided*, That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading "Legal Services Corporation, Payment to the Legal Services Corporation" contained in Public Law 98-166 except that "fiscal year 1984", wherever it appears in such provisions, shall be construed as "fiscal year 1985"; "fiscal year 1983", wherever it appears in such provisions, shall be construed as "fiscal year 1984"; "January 1, 1984" shall be construed as "January 1, 1985"; "$6.50" shall be construed as "$7.61"; and "$13" shall be construed as "$13.57"; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding: *Provided further*, That notwithstanding the previous provisions of this paragraph, $2,000,000 shall be available to increase quality legal services to the elderly by: (1) developing classroom and bar association source materials on law affecting the elderly for use by law schools, the private bar, legal services grantees, and in continuing education seminars; (2) developing plans to encourage the private bar to do more to provide better pro bono services for elderly and higher quality paid services; (3) developing a clinical program to supplement local Legal Services Corporation grantees; and (4) disseminating the results to other law schools, legal aid societies and other interested parties; such pilot programs shall be distributed, if applicants are available, to varying size and geographically located schools; at least 50 per centum of the funds required shall come from non-Federal sources and federally funded assets and projects will not be included in in-kind services; no grant shall exceed $200,000; the application and award procedure shall not require a detailed plan or extensive paperwork so long as the recipient signs a guarantee that more than 50 per centum of the funds required shall come from non-Federal sources and that federally funded assets and projects will not be included in in-kind services; the awards shall be made by July 1, 1985 and the projects shall each be completed by July 1, 1987; grantees shall not copyright the material developed and shall not charge other than private 305,000,000 groups or individuals for such material and such charge shall be not more than approximately their net cost of production: *Provided further*, That notwithstanding the preceding provisos, no more than $1,158,000 shall be expended for the budget category entitled "Program Improvement and Training", no more than $1,829,000 shall be expended for the budget category entitled "Delivery Research and Experimentation", and no more than $11,283,000 shall be expended for the budget category entitled "Support for the Provision of Legal Assistance": *Provided further*, That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984 unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 509 of this Act.

[*Total, Related Agencies, $478,502,000.*]

This title may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1985".

[*Total, title II, Department of Justice and Related Agencies:*

[*New budget (obligational) authority (all definite appropriations) (net)*	*$4,171,215,000.*]
[*Limitation on expenses*	*8,964,000.*]
[*By transfer*	*4,450,000.*]

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Commission; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; the provisions of 22 U.S.C. 2696(b)(3) are hereby waived for $5,000,000 in gains realized in this appropriation account because of fluctuation in foreign currency exchange rates or changes in overseas wages and prices; $1,264,901,000, of which $26,459,000 shall remain available until September 30, 1986. $1,264,901,000

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, $1,929,000. 1,929,000

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,500,000. $4,500,000

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 605 of Public Law 98-164, $2,500,000, and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $7,000,000. 2,500,000 7,000,000

[*Total, Protection of Foreign Missions and Officials, $9,500,000.*]

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $211,000,000, to remain available until expended. 211,000,000

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $19,353,000, to remain available until expended. 19,353,000

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of 31 U.S.C. 3526(e), $4,000,000. 4,000,000

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $9,800,000. 9,800,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $106,738,000. 106,738,000

[*Total, Administration of Foreign Affairs, $1,631,721,000.*]

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $501,667,200: *Provided,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings. 501,667,200

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $47,400,000. 47,400,000

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $10,000,000 to remain available until expended, of which not to exceed $207,000 may be expended for representation as authorized by law.

$10,000,000
–400,000
(Section 511 reduction)

[*Total, International Conferences and Contingencies (net), $9,600,000.*]

[*Total, International Organizations and Conferences (net), $558,667,200.*]

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $12,000,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further,* That not to exceed $1,800,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico.

12,000,000
–400,000
(Section 511 reduction)

[*Total, salaries and expenses (net), $11,600,000.*]

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, $2,400,000.

2,400,000

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,685,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses

3,685,000

and compensation of witnesses; not to exceed $3,000 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $9,100,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions. $9,100,000

[*Total, International Commissions (net), $26,785,000.*]

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, $9,600,000, to remain available until expended. 9,600,000

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses not otherwise provided to enable the Secretary of State to reimburse private firms and American institutions of higher education for research contracts and graduate training for development and maintenance of knowledge about the Soviet Union and Eastern European countries, $4,800,000. 4,800,000

CONTRIBUTION TO UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

There is hereby provided to the President $110,000,000 worth of Indian rupees, which are owned by the United States in India or owed to the United States by the Government of India, for investment by the Treasury to generate earnings which shall be available to the United States-India Fund for Cultural, Educational, and Scientific Cooperation as authorized by title IX of Public Law 98-164. *110,000,000 (special foreign currency availability)*

[*Total, other, $14,400,000.*]

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 302. Funds appropriated under this title shall be available for expenses of international arbitrations and other proceedings for the international resolution of disputes arising under treaties or other international agreements, including international air transport agreements, and arbitrations arising under contracts authorized by law for the performance of services or acquisition of property abroad.

SEC. 303. Funds appropriated under this title shall be available, except as otherwise provided, for salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (94 Stat. 2071); allowances and differentials as authorized by subchapter III of chapter 59 of 5 U.S.C.; services as authorized by 5 U.S.C. 3109; expenses as authorized by section 2 (a), (c), and (e) of the State

Department Basic Authorities Act of 1956; and hire of passenger or freight transportation.

[Total, Department of State:
[New budget (obligational) authority (all definite appropriations) (net) .... *$2,231,573,200.]*
[Special foreign currency availability .... *110,000,000.]*

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $28,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $19,468,000. $19,468,000

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $97,498,000, of which not to exceed $52,000 may be made available for official reception and representation expenses: *Provided*, That not to exceed $15,000 shall be available for engineering consultant fees, and no such fees shall be paid after January 1, 1985 at any time the Board's Director of Engineering position is vacant. 97,498,000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $550,000 to remain available until expended: *Provided*, That not to exceed $6,000 of such amount shall be available for official reception and representation expenses 550,000

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,600,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided*, That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses. 1,600,000 *(trust funds)* *1,200,000* *(foreign currency)*

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C.

1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate United States participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $545,856,000: *Provided,* That not to exceed $7,303,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $18,500,000 of the foregoing appropriation shall be available for grants to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act: *Provided further,* That not to exceed $674,000 of the foregoing appropriation may be used for representation abroad: *Provided further,* That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended. $545,856,000

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $8,000,000, to remain available until expended. 8,000,000

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $121,352,000. 121,352,000 For the Private Sector Exchange Programs, $8,648,000, 8,648,000 of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

[*Total, Educational and Cultural Exchange Programs, $130,000,000.*]

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $85,000,000, to remain available until expended. 85,000,000

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $8,500,000, to remain available until expended. 8,500,000

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $19,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended. $19,000,000

ADMINISTRATIVE PROVISION

None of the funds provided in this Act for the United States Information Agency shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States.

[*Total, United States Information Agency, $796,356,000.*]

[*Total, Related Agencies, $915,472,000.*]

This title may be cited as the "Department of State and Related Agencies Appropriation Act, 1985".

[*Total, title III, Department of State and Related Agencies:*

[*New budget (obligational) authority (all definite appropriations) (net)* .... *$3,147,045,200.*]

[*Special foreign currency availability* .... *110,000,000.*]

[*Foreign currency appropriation* .... *1,200,000.*]

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $14,143,000. 14,143,000

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $2,242,000, of which $275,000 shall remain available until expended. 2,242,000

[*Total, Supreme Court of the United States, $16,385,000.*]

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, $5,150,000. 5,150,000

United States Court of International Trade

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $6,070,000: *Provided,* That travel expenses of judges of the Court of International Trade shall be paid upon written certificate of the judge. $6,070,000

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands); judges of the United States Claims Court; and justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; $74,540,000. 74,540,000

SALARIES OF SUPPORTING PERSONNEL

For the salaries of secretaries and law clerks to circuit and district judges, magistrates and staff, circuit executives, clerks of court, probation officers, pretrial service officers, staff attorneys, librarians, the supporting personnel of the United States Claims Court, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, $370,228,000: *Provided,* That the secretaries and law clerks to circuit and district judges shall be appointed in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States: *Provided further,* That the number of staff attorneys to be appointed in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship. 370,228,000

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; $42,000,000, to remain available until expended. 42,000,000

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; $42,000,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code. 42,000,000

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For necessary operation and maintenance expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $101,500,000, of which $5,500,000 shall be 101,500,000 available for contractual services and expenses relating to the supervision of drug dependent offenders.

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, $116,950,000. $116,950,000

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities for the United States Courts of Appeals, District Courts, Bankruptcy Courts, and Claims Court, $140,000,000. 140,000,000

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities; $25,500,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General. 25,500,000

[*Total, Courts of Appeals, District Courts, and Other Judicial Services, $912,718,000.*]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, $28,250,000, of which an amount not to exceed $5,000 is authorized for official reception and representation expenses. 28,250,000

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $9,330,000. 9,330,000

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

SEC. 403. The position of trustee coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1985.

This title may be cited as the "Judiciary Appropriation Act, 1985".

[*Total, title IV, the Judiciary, new budget (obligational) authority (all definite appropriations), $977,903,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall be used to administer any program (except the United States-India Fund for Cultural, Educational, and Scientific Cooperation under title IX of Public Law 98-164) which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 506. No funds appropriated under this Act may be used for any action by the Attorney General or by the Secretary of State which is not in compliance with the provisions of the Refugee Act of 1980.

SEC. 507. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) for space owned by the Government of the United States that is in excess of a 7 per centum rate increase over such charges in fiscal year 1984.

SEC. 509. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprograming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

SEC. 510. None of the funds appropriated or otherwise made available by this Act to the Federal Trade Commission, unless specifically authorized by law hereafter, may be obligated or expended to issue, implement, administer, conduct or enforce any antitrust action against a municipality or other unit of local government, except that this limitation shall not apply to private antitrust actions.

SEC. 511. The amount appropriated in this Act for each appropriation account listed in this section is reduced as follows: "Salaries and Expenses, Antitrust Division", $1,000,000; "International Conferences and Contingencies", $400,000; and "International Boundary and Water Commission, United States and Mexico, Salaries and Expenses", $400,000.

SEC. 512. Section 7(b) of the Radio Broadcasting to Cuba Act is amended in the second sentence by striking out "(replaced less" and inserting in lieu thereof "replaced (less".

SEC. 513. It is the sense of the Congress, that in cooperation with the Government of Mexico, the newly enacted authority under section 416 of the Agricultural Act dealing with United States surplus wheat and dairy products shall be used on an expedited basis to make these commodities available to help feed the Guatemalan refugees in Mexico.

SEC. 514. None of the funds appropriated or made available by this Act may be used to enforce or give effect to any restriction on the export of unprocessed western red cedar harvested from State lands pursuant to a harvesting contract entered into prior to October 1, 1979.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985".

Approved August 30, 1984.

LEGISLATIVE HISTORY—H.R. 5712

HOUSE REPORTS: No. 98-802 (Comm. on Appropriations) and No. 98-956 (Comm. of Conference).
SENATE REPORT No. 98-514 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  May 31, considered and passed House.
  June 28, considered and passed Senate, amended.
  August 8, House agreed to conference report.
  August 9, Senate agreed to conference report.
  August 30, approved by the President (P.L. 98-411).

Grand total:

Appropriations—Definite (net)	$11,549,476,200	
By transfer	*(116,650,000)*	
Appropriations to liquidate contract authority	*(377,750,000)*	
Limitation on expenses	*(8,964,000)*	
Special foreign currency availability	*(110,000,000)*	
Limitation on direct loans	*(6,500,000)*	
Limitation on guaranteed loans	*(165,000,000)*	
Total, new budget (obligational) authority, Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1985		$11,549,476,200

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided in the foregoing annual appropriation act, the following additional amounts are available for the Department of Commerce, Justice and State, and the Judiciary for the fiscal year:

Permanent appropriations:		
Federal funds (pp. 1771 and 1777)	$260,775,000	
Trust funds (pp. 1783, 1785, and 1789)	644,351,000	
Appropriations in legislative acts:		
Crime victims assistance, Federal funds (P.L. 98-473) (p. 1926)	50,000,000	
Foreign Assistance and Related Programs Appropriations Bill, 1985:		
Anti-terrorism assistance (p. 336)	5,000,000	
International narcotics control (p. 335)	50,217,000	
Migration and refugee assistance (pp. 335-336)	325,500,000	
Peacekeeping operations (p. 334)	44,000,000	
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Administration of Foreign Affairs (reappropriations) (p. 404)	6,500,000	
Administration of Foreign Affairs (p. 409)	110,200,000	
Subtotal, additions		1,496,543,000

Deduct amounts for independent agencies transferred to the Department of Transportation and General Government totals:

Department of Transportation:		
Maritime Administration (pp. 106-107)	$80,367,000	
General Government:		
Arms Control and Disarmament Agency (p. 123)	19,468,000	
Board for International Broadcasting (p. 123)	97,498,000	
Commission on Civil Rights (pp. 117-118)	12,747,000	
Commission on Security and Cooperation in Europe (p. 123)	550,000	
Equal Employment Opportunity Commission (p. 118)	160,755,000	
Federal Communications Commission (p. 107)	93,611,000	
Federal Maritime Commission (p. 107)	12,292,000	
Federal Trade Commission (p. 107)	64,311,000	
International Trade Commission (p. 107)	24,830,000	
Japan-United States Friendship Commission (p. 123)	1,600,000	
Legal Services Corporation (pp. 118-119)	305,000,000	
Marine Mammal Commission (p. 108)	929,000	
Office of the United States Trade Representative (p. 108)	13,582,000	
Securities and Exchange Commission (p. 108)	105,337,000	
Small Business Administration (pp. 108-109)	728,750,000	
United States Information Agency (pp. 123-125)	796,356,000	
Subtotal, deductions		−2,517,983,000
Grand total, Departments of Commerce, Justice, and State, and the Judiciary		10,528,036,200

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1985

98th Congress, H.R. 6329

[NOTE.—The Department of Defense Appropriation Bill, 1985 (H.R. 6329) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on September 26, 1984. S. 3026 was reported by the Committee on Appropriations of the Senate on September 26, 1984. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see pp. 346-383 for text of relevant part of Public Law 98-473, and pp. 1879-1881 for the table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 6329

HOUSE REPORT No. 98-1086 (Comm. on Appropriations).
SENATE REPORT No. 98-636 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    Sept. 26, reported in the House.
    Sept. 26, reported in the Senate.

NOTE.—The following summary shows the amounts of new budget (obligational) authority provided for fiscal year 1985 under Sec. 101(h) of Public Law 98-473 for the programs and activities normally funded in this regular annual appropriation bill:

Grand Total:		
Appropriations—definite	$274,398,173,000	
By transfer	*1,536,300,000*	
Transfer authority	*(1,200,000,000)*	
Total, new budget (obligational) authority, Department of Defense Appropriation Bill, 1985		[1]$274,398,173,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(h) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for the Department of Defense for the fiscal year:

Permanent appropriations:		
Federal funds (p. 1771)	$600,000	
Trust funds (pp. 1785-1786)	24,600,000	
Appropriations in legislative acts:		
Education benefits, trust funds (P.L. 98-525) (p. 1927)	30,000,000	
Military Construction Appropriation Bill, 1985:		
Department of the Army (pp. 321-327)	3,089,424,000	
Department of the Navy (pp. 321-327)	2,253,181,000	
Department of the Air Force (pp. 321-327)	2,635,766,000	
Department of Defense (pp. 321-327)	426,835,000	
Subtotal, additions		8,460,406,000
Deduct amounts transferred to General Government totals:		
General Government:		
Intelligence Community Staff (p. 362)	$20,797,000	
Central Intelligence Agency Retirement and Disability System Fund (p. 362)	99,300,000	
Subtotal, deductions		–120,097,000
Grand total, Department of Defense		[1]282,738,482,000

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[1] The Department of Defense Appropriation Bill, 1985 (H.R. 6329) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note," above).

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

98th Congress, H.R. 5899

[NOTE.—The following bill, H.R. 5899, was enrolled when the conference report was filed in the House on September 26, 1984. The conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for in the continuing resolution, Public Law 98-473. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report No. 98-1088), filed in the House of Representatives on September 26, 1984, as if such Act had been enacted into law with the exception of Amendment No. 19. A substitute for the language in Amendment No. 19 (the Chadha amendment) is included as Sec. 131 of the continuing resolution. (See Public Law 98-473, Sec. 101(b) on p. 283, Sec. 131 on pp. 410-412, and pp. 1882-1883 for the table VIII showing estimates and funding levels by appropriation account.)]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1985, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1985, $425,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406): *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date. $425,000,000

For payment to the District of Columbia for the fiscal year ending September 30, 1985, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $24,100,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612). 24,100,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), **$52,070,000**. 52,070,000

[*Total, Federal payment, $501,170,000.*]

SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, $20,000,000, to be made available only upon enactment into law of a Federal statute which establishes the relative financial responsibilities of the Federal Government and the government of the District of Columbia for the costs of operating Saint Elizabeths Hospital: *Provided,* That if the claims to the District of Columbia for reimbursement for operating costs of Saint Elizabeths Hospital for fiscal year 1985 are less than $55,207,000, there shall revert to the Treasury of the United States so much of such Federal contribution as is equal to the amount by which such claims are less than $55,207,000. $20,000,000

INAUGURAL EXPENSES PAYMENT

For payment to the District of Columbia in lieu of reimbursements for expenses incurred in connection with Presidential inauguration activities, $2,300,000, as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (87 Stat. 824; D.C. Code, sec. 1-1803). 2,300,000

CRIMINAL JUSTICE INITIATIVE

For a Federal contribution to the District of Columbia, $9,873,000. 9,873,000

[*Total, Federal funds to the District of Columbia, $533,343,000.*]

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $88,439,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That not less than $320,000 shall be used by the Office of Personnel exclusively for the administration of programs for the training of District of Columbia government employees: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated $3,337,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $667,000 shall be derived from the general fund and not to exceed $2,670,000 shall be derived from the earnings of the applicable retirement funds: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor for transmittal to the Council of the District of Columbia an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report. (*88,439,000*)

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $72,061,000: *Provided,* That the District of Columbia Housing Finance Agency, established (*72,061,000*) by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of fifteen years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the holders of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of not to exceed one hundred and thirty-five passenger-carrying vehicles for replacement only (including one hundred and thirty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year), $509,917,000, of which $3,339,000 shall be payable from the revenue sharing trust fund: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed twenty-five passenger-carrying vehicles, and the Fire Department is authorized to replace not to exceed five passenger-carrying vehicles, annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $320,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the staffing levels of the various units within the Fire Department shall be maintained in accordance with the provisions of Article III, Section 18 of the Fire Department Rules and Regulations as then in effect: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, Public Law 93-412, approved September 3, 1974 (88 Stat. 1090; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1985, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That title 11, section 11-1732(d) of the District of Columbia Code, is amended by striking out "1984" and inserting in lieu thereof "1985". *($509,917,000)*

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $495,521,000, of which $6,000,000 shall be payable from the revenue sharing trust fund, to be allocated as follows: $340,652,000 for the public schools of the District of Columbia; $75,988,000 for the District of Columbia Teachers' Retirement *(495,521,000)*

Fund; $63,609,000 for the University of the District of Columbia; $13,945,000 for the Public Library; $1,127,000 for the Commission on the Arts and Humanities; and $200,000 for the Educational Institution Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1985, a tuition rate schedule which will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Services, $556,050,000, of which *($556,050,000)* $6,555,000 shall be payable from the revenue sharing trust fund: *Provided,* That the inpatient rate under these contracts shall not exceed $76 per diem and the newborn rate shall not exceed $20 per diem; and the outpatient and emergency room rate shall not exceed $12 per visit except for services provided to patients who are eligible for these services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.), and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to section 2 of an Act to authorize certain expenditures from the appropriation of Saint Elizabeths Hospital, and for other purposes, approved August 4, 1947 (61 Stat. 751; 24 U.S.C. 168(a)): *Provided further,* That total funds paid by the District of Columbia as reimbursements for operating costs of Saint Elizabeths Hospital, including any District of Columbia payments (but excluding the Federal matching share of payments) associated with title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.), shall not exceed $55,207,000: *Provided further,* That until there is enacted into law a Federal statute which establishes the relative financial responsibilities of the Federal Government and the government of the District of Columbia for the costs of operating Saint Elizabeths Hospital, $20,000,000 of the reimbursements for such costs shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government, including amounts appropriated by this Act or revenues otherwise available, or both, but not including amounts set apart exclusively for the purposes specified in section 103: *Provided further,* That $10,200,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $189,377,000, of which *(189,377,000)*

$2,500,000 shall be payable from the revenue sharing trust fund and not to exceed $4,000,000 shall be available for the School Transit Subsidy: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $6,930,000: *Provided,* That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36, D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit. *($6,930,000)*

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896); the Departments of Labor, and Health, Education and Welfare Appropriation Act of 1955, approved July 2, 1954 (68 Stat. 443); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9-219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211); and section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act, approved October 13, 1977 (91 Stat. 1156; D.C. Code, sec. 9-219, note), including interest as required thereby, $174,000,000. *(174,000,000)*

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the cash portion of the $279,449,000 general fund accumulated deficit as of September 30, 1983, $20,100,000, of which not less than $10,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both). *(20,100,000)* *(–10,000,000)*

[*Total, Repayment of General Fund Deficit (net), $10,100,000.*]

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $5,000,000. *(5,000,000)*

INAUGURAL EXPENSES

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), $2,300,000, of which $75,000 shall be for the District of Columbia National Guard and $2,225,000 shall be apportioned by the Mayor within the various appropriation headings in this Act. *($2,300,000)*

ADJUSTMENTS

The Mayor shall reduce authorized appropriations and expenditures within object class 30A (energy) in the amount of $65,000, within the various appropriation titles in this Act. *(−65,000)*

[*Total, Operating Expenses, General Fund (net),* [1]*$2,106,119,000.*]

CAPITAL OUTLAY

For construction projects as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code, secs. 43-1512 to 1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101); an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended, $90,842,000, of which $5,087,000 for fiscal year 1985, $3,531,000 for fiscal year 1986, and $298,000 for fiscal year 1987 shall be financed from general fund operating revenues: *Provided*, That $5,343,000 shall be available for project management and $7,712,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor, and that the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all such funds shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, Public Law 90-495, approved August 23, 1968 (82 Stat. 827; D.C. Code, sec. 7-134, note), for which funds are provided by this paragraph, shall expire on September 30, 1986, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1986: *Provided further*, That upon expiration of any such project authorization the funds provided herein for such project shall lapse. *(90,842,000)*

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $140,206,000, of which $27,692,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects. *(140,206,000)*

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[1] Includes "professional fees adjustment" of −$3,511,000 (see Sec. 132 of this bill on p. 144).

For construction projects as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code, sec. 43-1512 et seq.), $22,180,000: *Provided*, That the requirements and restrictions which *($22,180,000)* are applicable to general fund capital improvement projects and which are set forth in this Act under the heading Capital Outlay shall apply to projects approved under this heading.

[*Total, Water and Sewer Enterprise Fund, $162,386,000.*]

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund established by Public Law 97-91 (95 Stat. 1174, 1175), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $3,531,000, to be *(3,531,000)* derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation from its own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Cable Television Enterprise Fund

For the Cable Television Enterprise Fund as established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $250,000. *(250,000)*

[*Total, enterprise funds, $166,167,000.*]

[*Total, District of Columbia funds (net), $2,363,128,000.*]

General Provisions

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

(judgment payments, indefinite)

SEC. 107. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 108. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, Public Law 90-445, approved July 31, 1968 (82 Stat. 462; 42 U.S.C. 3801 et seq.).

SEC. 109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 111. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1985, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 31,546, the number of positions authorized by this Act.

SEC. 112. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 113. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1986, shall be transmitted to the Congress by not later than April 15, 1985.

SEC. 114. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency and the District of Columbia of the Senate

Committee on Governmental Affairs and the Council of the District of Columbia or their duly authorized representative.

SEC. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 120. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 123. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980 (Public Law 96-93, approved October 30, 1979) (93 Stat. 713), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 126. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1984 shall be deemed to be the rate of pay payable for that position for September 30, 1984.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 127. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (Public Law 93-198; 87 Stat. 790; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 128. None of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal at any public or private landfill located in any State, excepting currently utilized landfills in Maryland and Virginia, until the appropriate State agency has issued the required permits.

SEC. 129. All Federal employees assigned to operate and maintain the Washington Aqueduct and funded from the District of Columbia Water and Sewer Enterprise Fund shall be exempt from Federal personnel ceilings, effective October 1, 1983.

SEC. 130. The director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (40 U.S.C. 278(a)), upon a determination by the director, that by reason of circumstances set forth in such determination the payment of such rents and the execution of such work, without reference to the limitations of that section, is advantageous to the District in terms of economy, efficiency and the District's best interest.

(Legislative veto)[1]

SEC. 131. (a) Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-246) is amended by striking out "sold before October 1, 1984," and inserting in lieu thereof "sold before October 1, 1985,".

(b) Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered electors shall take effect upon the expiration of the thirty-five-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless during such thirty-five-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such thirty-five-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such thirty-five-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

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[1] Sec. 131 of this bill remedying the District's Home Rule Charter (Public Law 93-198) in response to the Supreme Court decision in *INS vs. Chadha* which held unconstitutional the one-house legislative veto mechanism, was amended and is restated as Sec. 131 of Public Law 98-473 (see pp. 410-412, this volume).

(c)(1) The second sentence of section 412(a) of such Act is amended to read as follows: "Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes.".

(2) The last sentence of section 412(a) of such Act is amended to read as follows: "Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.".

(d) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the thirty-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless during such thirty-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such thirty-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such thirty-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(e) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(f) The first sentence of section 692(c)(2) of such Act is amended to (1) read as follows: "In the case of any such Act transmitted by the Chairman with respect to any Act codified in title 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the sixty-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate unless, during such sixty-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such sixty-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such sixty-day period shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(Legislative veto—Continued)[2]

(g) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such act as specified in this paragraph.".

(h) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(i) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each such subsection the words "adoption of a resolu-

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[1] Should read "section 602(c)(2)" instead of "section 692(c)(2)".

[2] Sec. 131 of this bill remedying the District's Home Rule Charter (Public Law 93-198) in response to the Supreme Court decision in *INS vs. Chadha* which held unconstitutional the one-house legislative veto mechanism, was amended and is restated as Sec. 131 of Public Law 98-473 (see pp. 410-412, this volume).

tion by either the Senate or the House of Representatives" and inserting in lieu thereof "enactment into law of a joint resolution by the Congress".

(j) Section 740(d) of such Act is amended by deleting "approve a concurrent" and inserting in lieu thereof "enact into law a joint".

(k) The amendments made by the preceding subsections of this section shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of this Act, and such laws are hereby deemed valid, in accordance with the provisions thereof, notwithstanding such amendments.

(l) Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"Sec. 762. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(m) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting into law a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part, or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

(Legislative veto—Continued)[1]

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment into law of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it is in the best interests of the participants, take any one or more of the following actions:

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audits or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts into law a joint resolution disapproving such filing.".

(n) The provisions of this section shall be effective hereafter without limitation as to fiscal year.

Sec. 132. The Mayor shall reduce authorized appropriations and expenditures for professional and related services in the amount of $3,511,000, within the various appropriation titles in this Act. [2]*(−$3,511,000)*

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[1] Sec. 131 of this bill remedying the District's Home Rule Charter (Public Law 93-198) in response to the Supreme Court decision in *INS vs. Chadha* which held unconstitutional the one-house legislative veto mechanism, was amended and is restated as Sec. 131 of Public Law 98-473 (see pp. 410-412, this volume).

[2] Amount included in total for Operating Expenses, General Fund (see p. 138, this bill).

SEC. 133. The property located on square numbered 197, lot numbered 841, at 1125 16th Street, Northwest, Washington, District of Columbia, shall be designated as "Andrei Sakharov Plaza".

This Act may be cited as the "District of Columbia Appropriation Act, 1985".

LEGISLATIVE HISTORY—H.R. 5899

HOUSE REPORTS: No. 98-851 (Comm. on Appropriations), No. 98-855 (Comm. on Rules), and No. 98-1088 (Comm. of Conference).

SENATE REPORT No. 98-568 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 130 (1984):
June 20, reported in the House.
June 28, passed House.
Aug. 1, reported in the Senate.
Aug. 10, passed Senate, amended.
Sept. 19, House agreed to conference with Senate.
Sept. 26, conference report filed in the House.

Grand total:		
Federal funds	$533,343,000	
District of Columbia funds (net)	*(2,363,128,000)*	
Total, new budget (obligational) authority, District of Columbia Appropriation Bill, 1985 (Federal funds)		[1] $533,343,000

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[1] The District of Columbia Appropriation Bill, 1985 (H.R. 5899) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 133, this volume).

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1985

Public Law 98-360

98th Congress, H.R. 5653

July 16, 1984

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $138,000,000, to remain available until expended. $138,000,000

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $864,500,000, to remain available until expended, of which, for that increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, $1,300,000 shall be made available for the Ocean Township to Sandy Hook reach with the first Federal construction increment being a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch with the non-Federal share of construction and maintenance of the Ocean Township to Sandy 864,500,000

Hook reach to consist of moneys expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey; and of which $3,000,000 shall be made available for the construction of the South Williamson, Kentucky, floodwall as authorized by Public Law 96-367, section 202 (94 Stat. 1339); and of which $3,000,000 shall be made available for the construction of the West Turning Basin extension of the Canaveral Harbor, Florida project, as authorized in the Rivers and Harbors Act of 1962; and in addition, notwithstanding any other provision of law, $15,000,000, to remain available until expended, for the construction of the Yatesville Lake construction project; and in addition, $10,000,000, to remain available until expended, for construction of the Elk Creek Lake construction project as authorized in the River and Harbor and Flood Control Act of 1962, Public Law 87-874; and in addition, $500,000, to remain available until expended, for construction of Lock and Dam 3, Red River Waterway project, as authorized by law.

$15,000,000

10,000,000

500,000

[*Total, Construction, General, $890,000,000.*]

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $25,000,000, to remain available until expended. 25,000,000

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $321,000,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist. 321,000,000

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,305,000,000, to remain available until expended, of which $15,000,000, shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l). 1,305,000,000

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Board, $112,000,000, to remain available until expended. $112,000,000

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 144 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

SEC. 103. The authorization for the Eufaula Lake Project, Oklahoma, contained in the Rivers and Harbors Act of 1946 is hereby amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct bridges on Piney and Muddy Creeks to replace existing unsafe structures, at an estimated total Federal cost of $1,700,000 and the State or political subdivision agrees to operate and maintain said improvements at their own expense.

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review, in cooperation with the State of Florida, its political subdivision, agencies and instrumentalities thereof all previous published reports of the Chief of Engineers pertaining to shoreline erosion on the entire coast of Florida with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, with particular reference to developing a comprehensive body of knowledge, information, and data on coastal area changes and processes.

SEC. 105. The Secretary of the Army, acting through the Chief of Engineers, is hereby directed to deepen, at full Federal expense, the waterway within the marina facility at the Harbor Beach Harbor, Michigan project authorized by the River and Harbor Act of January 21, 1927, at a cost not to exceed $450,000.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is hereby directed to construct and maintain, at full Federal expense, a breakwater access for recreational purposes at the Port Austin Harbor, Michigan project authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress at an estimated cost of $500,000.

SEC. 107. Funds appropriated under any provision of law for the operation of the Summersville Lake, West Virginia Project shall be used to carry out all authorized project purposes of such project, including but not limited to whitewater recreation of the Gauley River downstream of such project.

SEC. 108. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the necessary construction measures to increase the level of flood protection currently afforded by the Mauvaise Terre Levee, at and in the vicinity of Naples, Illinois, to a one hundred-year recurrence interval flood event.

SEC. 109. Section 1304 of the Supplemental Appropriations Act, 1984, Public Law 98-181, is amended by adding at the end thereof the following: "including a determination of the advisability of the preservation, enhancement, and rehabilitation of Peoria Lake in the vicinity of Peoria, Illinois, in the interest of recreation, fish and wildlife resources, environmental quality, and local and regional development.".

SEC. 110. Flood control measures authorized by section 202 of the 1981 Energy and Water Development Appropriation Act involving high levees and floodwalls in urban areas should provide for a standard project flood level of protection for Barbourville, Kentucky.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Lorean and Calloway Branches, Hurst, Texas, flood control projects under the authority of section 205 of the Flood Control Act of 1948, as amended, except that bridge and utility costs shall be at Federal expense.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Miami Harbor, Bay Front Park, Florida project under the authority of Public Law 98-50 except that the sheetpile foundation and utility trench for the Park's fountain and land fill necessary for Park development shall be at Federal expense.

SEC. 113. Section 1301 of Public Law 98-181 is amended by striking the amount "$2,000,000" and inserting in lieu thereof the amount "$3,000,000".

SEC. 114. Within available funds, channel widening and bends easing shall be accomplished at the Savannah Harbor, Georgia navigation channel in the vicinity of miles 11.6, 13.5, and 14.5 to allow for the free movement of vessels.

SEC. 116. Subject to approval by the Committees on Appropriations, funds herein or hereafter provided may be used (1) to acquire improved real property or to acquire unimproved real property and construct or have constructed thereon an appropriate residence for the official use of Corps of Engineers Division Commanders in those areas where appropriate housing cannot otherwise be provided; and (2) to operate and maintain such property. Provisions of law and regulations applicable to the acquisition, operation, and maintenance of military housing shall not apply to housing acquired under this section.

SEC. 117. The Corps of Engineers is authorized and directed to design and construct repairs to stabilize the existing levee at York, Pennsylvania, in the vicinity of the city's wastewater treatment plant, including, but not limited to placing drainage material and gabion protection along a 600-foot section of unstable levee, at a cost not to exceed $200,000.

[*Total, title I, Department of Defense—Civil, new budget (obligational) authority, $2,791,000,000.*]

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended: *Provided,* That of the total appropriated, the amount $35,566,000, for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That $100,000 shall be made available to study the feasibility of a hydroelectric powerplant at the existing Yellowtail Afterbay Dam (Montana).

$35,566,000

CONSTRUCTION PROGRAM

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $740,000,000, of which $4,800,000 shall be available for the construction of fish passage facilities at Prosser Dam Passage authorized by the Act of June 12, 1948 (Public Law 80-629, 62 Stat. 382) and Roza Dam Passage authorized by the Act of March 10, 1934 (Public Law 73-121, 48 Stat. 401), of which $163,503,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $142,250,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543): *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to this heading: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, $1,580,000 shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That the design, construction and operation of the Garrison Diversion Unit are to be accomplished so as to meet the United States

740,000,000

obligations under the Boundary Waters Treaty of 1909 and that no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further,* That of the amount herein appropriated not to exceed $20,000 shall be available to continue a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $149,689,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for the Boulder Canyon Project shall be derived from the Colorado River Dam Fund and such amounts as may be required for replacement, which would require readvances to the Colorado River Dam Fund under section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), are to be considered as though readvanced under said section: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project.

$149,689,000

Loan Program

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422k), including expenses necessary for carrying out the program, $67,537,000, to be derived from the reclamation fund and to remain available until expended: *Provided,* That during fiscal year 1985 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $68,500,000: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

67,537,000

68,500,000 (limitation on gross obligations)

General Administrative Expenses

For necessary expenses of general administration and related functions in the offices of the Commissioner of the Bureau of Reclamation and in the regional offices of the Bureau of Reclamation, $58,917,000, of which $11,900,000, shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in

58,917,000

this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund. $1,000,000

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), and the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles of which 13 shall be for replacement only; purchase of one additional aircraft; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

[*Total, Bureau of Reclamation, $1,052,709,000.*]

General Provisions, Department of the Interior

Sec. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Sec. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Sec. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Sec. 205. The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws.

Sec. 206. The cost of foundation treatment, drainage, and instrumentation work planned or underway at Foss Dam, Oklahoma, shall be nonreimbursable and nonreturnable under the Federal reclamation law.

Sec. 207. (a) It is the sense of Congress that—

(1) the Garrison Diversion Unit was authorized by Congress and reflects the entitlement of the State of North Dakota to a federally funded water development program as compensation for North Dakota's contributions to the Pick-Sloan Missouri Basin program;

(2) there is a need to put to beneficial use water from the Missouri River within the State of North Dakota;

(3) there are municipal and industrial water resource problems in North Dakota that are presently unmet;

(4) there are irrigation and agricultural water needs in areas which cannot be met by the Garrison Diversion Unit as presently authorized;

(5) the Garrison Diversion Unit, as presently authorized, raises significant issues of economic, environmental, and international concern;

(6) the water needs of the State of North Dakota should be resolved by contemporary water development alternatives; and

(7) a Secretarial commission should be established to examine the water needs of North Dakota and propose development alternatives which will lead to the early resolution of the problems identified.

(b) No funds appropriated under this title for the Garrison Diversion Unit, Pick-Sloan Missouri Basin program, shall be expended or committed for expenditure on construction contracts prior to December 31, 1984. Notwithstanding the preceding sentence, funds appropriated may be expended or committed for expenditure for the work associated with the commission established by this section. Funds may be expended or committed for expenditure after such date for construction of the Garrison Diversion Unit—

(1) in accordance with the recommendations of the Secretarial commission established under subsection (c); or

(2) if the commission fails to make such recommendations, as presently authorized.

(c)(1) The Secretary of the Interior shall, within thirty days after the date of enactment of this section, appoint a commission, composed of 12 individuals, to review the contemporary water development needs of the State of North Dakota and propose modifications to the Garrison Diversion Unit consistent with the existing authorization. The Secretary shall designate one member who shall serve as chairman of the commission who shall set the dates of hearings, meetings, and other official commission functions in carrying out the purposes of this section. The commission, in developing its recommendations, shall hold no fewer than three public hearings, at least two of which shall be in the State of North Dakota. Any recommendations of the commission shall be agreed to by at least 8 members. The commission shall cease to exist on December 31, 1984.

(2) The commission is directed to examine, review, evaluate, and make recommendations with regard to the contemporary water development needs of the State of North Dakota, taking into consideration—

(A) the costs and benefits incurred and opportunities foregone by the State of North Dakota between 1944 and 1984 as a result of the establishment and implementation of the Pick-Sloan Missouri Basin program;

(B) the need and potential for North Dakota to put to beneficial use within the State water from the Missouri River;

(C) the need for construction of additional facilities to put to beneficial use water from the Missouri River;

(D) the municipal and industrial water needs and development potential within the State of North Dakota, including such matters as—

(i) quality of water supply,

(ii) the ability of existing systems to meet present and future demand,

(iii) related groundwater problems,

(iv) water treatment,

(v) water delivery by pipeline, and

(vi) instream flow needs;

(E) the possible use of groundwater recharge for municipal and industrial uses, as well as irrigation;

(F) the current North Dakota water plan, including proposed projects, to determine if elements of the plan (such as the southwest pipeline project) should be recommended for Federal funding;

(G) whether or not the Garrison Diversion Unit can be redesigned and reformulated;

(H) the institutional and tax equity issues in the State of North Dakota as they relate to the authorized project and alternative water development proposals;

(I) the fiscal and economic impacts of the Garrison Diversion Unit, as compared with alternative proposals for irrigation and municipal and industrial water supply;

(J) the environmental impacts of the water development alternatives mentioned in this section, compared with those of the Garrison Diversion Unit, including impacts on wildlife refuges, wetlands, wildlife habitat, waterfowl, and other environmental impacts as well as make recommendations to reduce and minimize those impacts; and

(K) the international impacts of the water development alternatives described in this section compared with those of the Garrison Diversion Unit and make recommendations to reduce and minimize those impacts.

All recommendations of the commission shall retain the originally authorized discount rate.

(3) The commission shall submit to the Secretary of the Interior, the chairmen of the Senate Committees on Energy and Natural Resources and Appropriations, and the House Committees on Interior and Insular Affairs and Appropriations, no later than December 31, 1984, a report which contains the conclusions and recommendations of the commission with regard to the items described in paragraph (2).

(d) The Secretary of the Interior is authorized and directed to implement the recommendations of the commission report consistent with existing authority.

(e) Nothing in this section shall affect any litigation initiated prior to June 1, 1984.

[Total, title II, Department of the Interior:

[New budget (obligational) authority .... *$1,052,709,000.*]

[Limitation on gross obligations .... *68,500,000.*]

TITLE III—DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 19 for replacement only), $2,018,165,000, to remain available until expended; of which $60,000,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in fiscal year 1984, and of which $7,000,000 shall be available to establish a supercomputer center and computational institute as described in the report accompanying this Act; and acquisition of one aircraft for replacement only at no cost by transfer from the National Science Foundation.

$1,958,165,000
60,000,000
(by transfer)

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 171 of which 154 are for replacement only); $1,650,300,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,650,300,000 in fiscal year 1985, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1985 so as to result in a final fiscal year 1985 appropriation estimated at not more than $0.

$1,650,300,000

-1,650,300,000 *(revenues)*

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy, activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 4 for replacement only); $726,905,000, to remain available until expended.

726,905,000

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $327,669,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in this account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

327,669,000

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 354 of which 339 are for replacement only) including 35 police-type vehicles; and purchase of one aircraft, $7,333,701,000, to remain available until expended.

7,333,701,000

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000); $356,034,000, all of which is available for fiscal year 1985

356,034,000

and shall remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $219,459,000 in fiscal year 1985 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1985 so as to result in a final fiscal year 1985 appropriation estimated at not more than $136,575,000.

−$219,459,000 *(revenues)*

[*Total, Department Administration, (net), $136,575,000.*]

Power Marketing Administrations

Operation and Maintenance, Alaska Power Administration

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,233,000, to remain available until expended.

3,233,000

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are provided for Three Mile Dam Fish Passage Facilities, Sunnyside Dam Passage, Wapato Diversion Dam Passage, Toppenish Creek/Satus Unit Diversion, Prosser Dam Passage, and Roza Dam Passage. These expenditures and the transfer of funds to the Bureau of Reclamation for the purpose of constructing fish passage facilities are approved. Expenditures are also approved for: (1) Lake Pend Oreille Kokanee Hatchery, (2) the Umatilla Hatchery, and (3) official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1985, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $40,000,000.

40,000,000 (limitation on gross obligations)

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $35,744,000, to remain available until expended.

35,744,000

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $31,208,000, to remain available until expended. $31,208,000

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed nine for replacement only), purchase, maintenance, and operation of one helicopter, $218,230,000, to remain available until expended, of which $217,380,000 shall be derived from the Department of the Interior Reclamation fund and $850,000 shall be derived from the Colorado River Dam fund for power marketing and transmission expenses of the Boulder Canyon Project: *Provided*, That notwithstanding the provisions of section 8 of Public Law 88-552, the Secretary of Energy is authorized to construct or participate in the construction of such additional facilities as he deems necessary to allow mutually beneficial power sales between the Pacific Northwest and California and to accept funds contributed by non-Federal entities for that purpose: *Provided further*, That all revenues collected in connection with the operation of Navy Geothermal projects at Fallon, Nevada, may be credited to a separate fund, to be established in the treasury of the United States, and shall be available to the Secretary of Energy, without further appropriation, for payment of energy costs, contract administration costs, and the design, construction, operation, maintenance and replacement, and administrative costs of all required transmission facilities and power marketing activities directly associated with the Fallon, Nevada Navy Geothermal projects. 218,230,000

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 16, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $500,000, on a continuing basis to be recovered from the Reclamation Fund against receipts for the transmission and sale of electric power and energy which are deposited into the Treasury through Western Area Power Administration which shall be available for transfer to the Western Emergency Fund: *Provided*, That expenditures from the Western Emergency Fund shall be replenished from project power revenues for which funds were expended on an emergency basis.

[*Total, Power Marketing Administration, $288,415,000.*]

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $95,677,000, of which $4,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), revenues from licensing fees, inspection services, and other services and collections estimated at $60,000,000 in fiscal year 1985 may be retained and used for necessary expenses 95,677,000 −60,000,000 *(revenues)* in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1985, so as to result in a final fiscal year 1985 appropriation estimated at not more than $35,677,000.

[*Total, Federal Energy Regulatory Commission (net), $35,677,000.*]

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $121,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000. $121,000

500,000,000 (limitation on loan guarantees)

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities covered in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. None of the funds in the Department of Energy shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in the Department of Energy.

SEC. 307. For carrying out activities authorized by title II of Public Law 93-410 the Department of Energy is authorized to transfer no more than $25,000,000 to the Geothermal Resources Development Fund from unobligated balances within the Uranium Supply and Enrichment Activities account: *Provided*, That such transfer shall be reported promptly to the Committees on Appropriations of the House and Senate. The amount authorized to be transferred by this provision is in addition to the authority provided in section 302 of this Act.

SEC. 308. Of the funds appropriated for Energy Supply, Research and Development Activities under this Act, $2,000,000 shall be available until expended to further domestic technology transfer by facilitating access to data within the national laboratories, including the use of supercomputers.

[*Total, title III, Department of Energy:*

[*New budget (obligational) authority (net)*	*$10,807,228,000.*]
[*Limitation on gross obligations*	*40,000,000.*]
[*Limitation on loan guarantees*	*500,000,000.*]
[*By transfer*	*60,000,000.*]

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, $2,300,000. $2,300,000

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $149,000,000 of which $100,000,000 shall be available for 149,000,000 the Appalachian Development Highway System.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $172,000. 172,000

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $283,000. 283,000

[*Total, Delaware River Basin Commission, $455,000.*]

Interstate Commission on the Potomac River Basin

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $70,000. $70,000

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $448,200,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended. 448,200,000

Susquehanna River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $167,000. 167,000

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $230,000. 230,000

[*Total, Susquehanna River Basin Commission, $397,000.*]

Tennessee Valley Authority

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $129,547,000, to remain 120,000,000 available until expended, of which $9,547,000 shall be derived from prior year unobligated balances in the Tennessee Valley Authority Fund: *Provided*, That this appropriation and other moneys available to the Tennessee Valley Authority may be used for payment of the allowances authorized by 5 U.S.C. 5948.

$9,547,000 (by transfer)

[*Total, title IV, Independent Agencies:*
[*New budget (obligational) authority* .... *$720,422,000.*]
[*By transfer* .... *9,547,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

Approved July 16, 1984.

LEGISLATIVE HISTORY—H.R. 5653

HOUSE REPORTS: No. 98-755 (Comm. on Appropriations) and No. 98-866 (Comm. of Conference).
SENATE REPORT No. 98-502 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 22, considered and passed House.
June 21, considered and passed Senate, amended.
June 27, House agreed to conference report; concurred in certain Senate amendments and in others with amendments. Senate agreed to conference report and concurred in House amendments.

Grand total:

New budget (obligational) authority (net)	$15,371,359,000
Limitation on direct loans	*(108,500,000)*
Limitation on guaranteed loans	*(500,000,000)*
By transfer	*(69,547,000)*

Total, new budget (obligational) authority, Energy and Water Development Appropriation Act, 1985 (net)	$15,371,359,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 contained in the foregoing annual appropriation act, the following additional amounts are available for the Departments of Energy and Defense—Civil functions for such fiscal year:

Permanent appropriations:		
Federal Funds (pp. 1772-1773)	$9,223,979,000	
Trust Funds (p. 1786)	27,346,236,000	
Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1985:		
Cemeterial Expenses, Army (p. 175)	7,759,000	
Department of the Interior and Related Agencies Appropriations Bill, 1985:		
Department of Energy (pp. 305-308)	981,693,000	
Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1985:		
Soldiers and Airmen's Home (p. 221)	42,352,000	
Subtotal, additions		$37,602,019,000

Deduct amounts transferred to the Department of the Interior and General Government totals:

Department of the Interior:		
Bureau of Reclamation (pp. 150-156)	$1,052,709,000	
General Government:		
Appalachian Regional Commission (p. 161)	2,300,000	
Appalachian Regional Development Program (p. 161)	149,000,000	
Delaware River Basin Commission (p. 161)	455,000	
Interstate Commission on the Potomac River Basin (p. 162)	70,000	
Nuclear Regulatory Commission (p. 162)	448,200,000	
Susquehanna River Basin Commission (p. 162)	397,000	
Tennessee Valley Authority (pp. 162-163)	120,000,000	
Subtotal, deductions		−1,773,131,000
Grand total, Departments of Energy and Defense—Civil functions		51,200,247,000

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1985

98th Congress, H.R. 6237

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill (H.R. 6237) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on September 13, 1984. S. 2793 was reported by the Committee on Appropriations of the Senate on June 26, 1984. The bill was not acted on by the Senate or by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see pp. 327-346 for text of relevant part of Public Law 98-473, and pp. 1887-1890 for the table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 6237

HOUSE REPORT No. 98-1021 (Comm. on Appropriations).
SENATE REPORT No. 98-531 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    Sept. 13, reported in the House.
    June 26, reported in the Senate.

NOTE.—The following summary shows the amounts of new budget (obligational) authority provided for fiscal year 1985 under Sec. 101(e)(1) of Public Law 98-473 for the programs and activities normally funded in this regular annual appropriation bill:

Grand total, all titles:		
New budget (obligational) authority	$18,190,366,636	
Limitation on guaranteed loans	*(10,310,000,000)*	
Limitation on direct loans	*(3,880,000,000)*	
Limitation on callable capital	*(2,465,011,934)*	
Foreign currency program	*(1,000,000)*	
Program limitation	*(300,000,000)*	
Limitation on administrative expenses	*(18,900,000)*	
Total, new budget (obligational) authority, Foreign Assistance and Related Programs Appropriations Bill, 1985		[1] $18,190,366,636

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(e)(1) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for foreign assistance activities for the fiscal year:

Permanent Appropriations: Trust funds (p. 1784)	$13,015,510,000	
Subtotal, additions		13,015,510,000
Deduct amounts transferred to Department of State totals:		
Peacekeeping operations (p. 334)	$44,000,000	
International narcotics control (p. 335)	50,217,000	
Migration and refugee assistance (p. 335-336)	325,500,000	
Anti-terrorism assistance (p. 336)	5,000,000	
Subtotal, deductions		−424,717,000
Grand total, Foreign Assistance		[1] 30,781,159,636

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[1] The Foreign Assistance, and Related Programs Appropriations Bill, 1985 (H.R. 6237) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note", above).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985

Public Law 98-371

98th Congress, H.R. 5713

July 18, 1984

AN ACT

Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriations Acts, is increased by $847,524,808: *Provided,* That $11,215,073 of such contract authority shall be available only for contracts using contract authority released by Acts of Congress prior to 1976: *Provided further,* That the budget authority obligated under contracts for annual contributions shall be increased above amounts heretofore provided in appropriation Acts by $10,759,482,775: *Provided further,* That of the budget authority provided herein, $312,760,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families; $1,725,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of such Act (42 U.S.C. 1437l), of which (a) $75,000,000 shall be for the modernization of vacant uninhabitable dwelling units in vacant buildings located in public housing projects, pursuant to section 14 of such Act, other than section 14(f) of such Act and other than projects for which budget authority for this purpose was reserved or obligated during fiscal years 1983 or 1984, and (b) $100,000,000 shall be made available for modernization under such section 14, other than section 14(f) of such Act, through June 30, 1985, and any balances of such authority remaining unreserved after such date shall only be available for the

$847,524,808 *(increased limitation on annual contract authority)*

10,759,482,775 *(contract authority)*

section 8 existing housing program utilizing a term of one hundred and eighty months (42 U.S.C. 1437f); $774,287,500 shall be for assistance payments in the housing voucher program under section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f); $1,709,040,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); and, $2,620,687,500 shall be for the section 8 existing housing program (42 U.S.C. 1437f); $419,250,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f); and $945,000,000 shall be used other than for low-income housing for Indian families for public housing new construction, notwithstanding sections 6 (h) and (i) of the United States Housing Act of 1937, as amended, or may be used for acquisition with or without rehabilitation for use as public housing if the public housing authority certifies to the Secretary of Housing and Urban Development before a reservation is made, that comparable dwelling units exist which may be used for its public housing program: *Provided further,* That the Secretary shall not approve the use of any of the budget authority provided herein (except such amounts as are provided for in the third proviso of this paragraph), or reserved and obligated in years prior to fiscal year 1985, for assistance under the housing voucher program authorized under section 8(o) of the United States Housing Act of 1937, as amended: *Provided further,* That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1985 shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1985: *Provided further,* That none of the merged amounts available for obligation in 1985 shall be subject to the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further,* That all amounts of budget authority equal to the amounts of such budget authority which are recaptured during fiscal year 1985 shall be rescinded.

−$2,754,713,000
(rescission of contract authority, indefinite)
−108,385,000
(rescission of annual contract authority, indefinite)

The paragraph under the heading "ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98–45, 97 Stat. 219, 220), as amended by section 127 of Public Law 98–151, making further continuing appropriations for fiscal year 1984 (97 Stat. 964, 980), is further amended by (a) deleting "$1,550,000,000" in the second proviso and inserting in lieu thereof "$1,612,982,000"; (b) striking out in the seventh proviso thereof the second citation to section 1437f of title 42, United States Code (including the parentheses), and inserting in lieu thereof the following: ", $261,675,000 of budget authority shall only be made available for the section 8 voucher program (section 8(o) of the United States Housing Act of 1937, as added by section 207 of the Housing and Urban-Rural Recovery Act of 1983, Public Law 98–181, 97 Stat. 1153, 1155, 1181), including payment of fees to Public Housing Agencies"; (c) deleting, in the clause numbered (1) in the ninth proviso, "shall not become available until March 31, 1984, and at such time", and in that clause deleting "such heading" and inserting in lieu thereof "this heading"; (d) deleting "$2,217,150,000" in the seventh and ninth provisos and inserting in each such proviso in lieu thereof "$3,820,320,000"; and (e) deleting the period at the end thereof and inserting a colon in lieu thereof and the following: "*Provided further,* That, notwithstanding any proviso hereof, any amounts of budget authority recaptured and becoming available for obligation in fiscal year 1984 in excess of $2,500,000,000 shall be made available only for use under section 14 of the United States Housing Act of 1937, as amended: *Provided further,* That the amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $69,490,893, of which $6,160,000 shall be available for contracts using contract authority released by Acts of Congress prior to 1976: *Provided further,* That budget authority in the amount of $300,000,000 shall be available as an appropriation of funds only for rental rehabilitation grants to authorized grantees pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended, as authorized in section 17(a)(3)(A) of that Act, to remain available until September 30, 1986: *Provided further,* That $150,000,000 of such budget authority shall not be available until October 1, 1984: *Provided further,* That, notwithstanding the provisions of section 17(b)(4) of such Act, any rental rehabilitation grant amounts not obligated at the end of fiscal year 1984 shall not be added to the amount available for allocation for such grants for fiscal year 1985 but shall remain available for obligation according to the fiscal year 1984 allocation and consistent with the terms and conditions of law applicable as of September 30, 1984: *Provided further,* That budget authority in the amount of $315,000,000 shall be available as an appropriation of funds only for development grants to authorized grantees pursuant to section 17(a)(1)(B) of the United States Housing Act of 1937, as authorized in section 17(a)(3)(B) of that Act, to remain available until September 30, 1986: *Provided further,* That $115,000,000 of such budget authority shall not be available until October 1, 1984.".

Notwithstanding any other provision of this Act, the immediately preceding paragraph shall become effective upon enactment of this Act.

[*Total, Annual Contributions for Assisted Housing:*
[*New budget (obligational) authority (net) .... $8,004,769,775.*]
[*Increased limitation for annual contract authority (net) .... 739,139,808.*]

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is reduced in fiscal year 1985 by not more than $81,617,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

−$1,834,074,000
(rescission of contract authority, indefinite)
−81,617,000
(limitation on annual contract authority, indefinite)

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1985 by not more than $7,631,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

−164,760,000
(rescission of contract authority, indefinite)
−7,631,000
(limitation on annual contract authority, indefinite)

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In 1985, $600,000,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided,* That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum

600,000,000
(limitation on direct loans)

loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further,* That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further,* That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further,* That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: *Provided further,* That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1985 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program. $598,318,000 *(authority to borrow)*

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, $4,144,000, to remain available until September 30, 1986. 4,144,000

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $1,138,500,000: *Provided,* That of the authority provided herein, not more than $15,000,000 shall be obligated to public housing agencies by April 1, 1985, for planning costs associated with the preparation of applications submitted to the Secretary in fiscal year 1985 for modernization assistance under section 14 of such Act, without offset by any amount of operating subsidy payment to which a public housing agency may otherwise be entitled. 1,138,500,000

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $3,500,000. 3,500,000

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, all unobligated balances of excess rental charges and any collections after September 30, 1984, to remain available until September 30, 1986: *Provided,* That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or

agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $387,683,000, to remain available until expended.

$387,683,000
−215,000,000
(portion applied to debt reduction)

During 1985, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During 1985, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed $50,900,000,000 of loan principal.

50,900,000,000 (limitation on guaranteed loans)

During fiscal year 1985, gross obligations for direct loans of not to exceed $65,448,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

65,448,000 (limitation on direct loans)

[*Total, Federal Housing Administration Fund, $172,683,000.*]

NONPROFIT SPONSOR ASSISTANCE

During 1985, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $1,880,000.

1,880,000 (limitation on direct loans)

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $745,000.

745,000

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During 1985, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $68,250,000,000 of loan principal.

68,250,000,000 (limitation on guaranteed loans)

SPECIAL ASSISTANCE FUNCTIONS FUND

(TRANSFER OF FUNDS)

The Secretary shall transfer all assets acquired and liabilities incurred pursuant to section 305 of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1720), to the management and liquidating functions fund established pursuant to section 306 of such Act (12 U.S.C. 1721): *Provided*, That on October 1, 1984, each outstanding obligation issued by the Secretary of Housing and Urban Development to the Secretary of the Treasury pursuant to section 305(d) of such Act, together with any promise to repay the principal and unpaid interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

(TRANSFER OF FUNDS)

The Secretary shall transfer all assets acquired and liabilities incurred pursuant to section 313 of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1723e), to the management and liquidating functions fund established pursuant to section 306 of such Act (12 U.S.C. 1721): *Provided,* That on October 1, 1984, each outstanding obligation issued by the Secretary of the Housing and Urban Development to the Secretary of the Treasury pursuant to section 313(c) of such Act, together with any promise to repay the principal and unpaid interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

[*Total, Housing Programs (net), $7,923,825,775.*]

SOLAR ENERGY AND ENERGY CONSERVATION BANK

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

For financial assistance and other expenses, not otherwise provided for, to carry out the provisions of the Solar Energy and Energy Conservation Bank Act of 1980 (12 U.S.C. 3601), $15,000,000, to remain available until September 30, 1986. $15,000,000

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,472,000,000, to remain available until September 30, 1987: *Provided,* That not to exceed 20 per centum of any grant made with funds appropriated herein shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development. 3,472,000,000

During 1985, total commitments to guarantee loans, as authorized by section 108 of the aforementioned Act, shall not exceed $225,000,000 of contingent liability for loan principal. *225,000,000 (limitation on guaranteed loans)*

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, $440,000,000, to remain available until September 30, 1988: *Provided,* That $2,500,000 of such amount shall be made available for technical assistance grants under section 119(q) of such Act: *Provided further,* That notwithstanding section 119(q) such $2,500,000 shall be made available for such grants only to cities and urban counties eligible for assistance under section 119 which have not been grantees before fiscal year 1985 for programs under section 119 of such Act: *Provided further,* That with respect to funds provided herein the provisions of section 119(i) shall be construed as not applying to such $2,500,000. 440,000,000

REHABILITATION LOAN FUND

During 1985, collections, unexpended balances of prior appropriations (including any recoveries of prior reservations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1984, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, $12,000,000, to remain $12,000,000 available until expended: *Provided*, That up to $1,000,000 of the budget authority provided herein shall be made available for the demonstration program authorized pursuant to section 810(i), and for evaluation of such demonstration program pursuant to section 810(j), of such Act.

COMMUNITY DEVELOPMENT GRANTS

(FISCAL YEAR 1984)

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1984 (Public Law 98-45), not more than $2,000,000 shall be available immediately to carry out a neighborhood development demonstration pursuant to section 123 of the Housing and Urban-Rural Recovery Act of 1983.

[*Total, Community Planning and Development, $3,924,000,000.*]

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $16,900,000, to 16,900,000 remain available until September 30, 1986: *Provided*, That of the funds provided herein $500,000 shall be used in addition to the $4,000,000 provided for the modernization study in Public Law 98-45 (97 Stat. 223, 224): *Provided further*, That not more than a total of $500,000 of the funds available for use on the modernization study shall be used for the energy analysis and program evaluation component of the study: *Provided further*, That $500,000 of the funds provided herein shall be for the design and implementation of the housing voucher demonstration evaluation, including a comparison of the housing voucher program with fifteen year assistance contracts under the section 8 existing housing program.

Fair Housing and Equal Opportunity

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $6,700,000, to remain available until September 30, 1986.

$6,700,000

Management and Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $4,000 for official reception and representation expenses, $577,320,000, of which $282,085,000 shall be provided from the various funds of the Federal Housing Administration.

295,235,000
282,085,000
(limitation on corporate funds)

ADMINISTRATIVE PROVISION

Section 1305 of title 31, United States Code, is amended by adding to the end thereof the following new paragraphs to provide for indefinite appropriations to be available currently and permanently:

“ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

“(7) to make payments required under contracts made under section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c).

“COLLEGE HOUSING GRANTS

“(8) to make payments required under contracts made under title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

“RENT SUPPLEMENT PROGRAM

“(9) to make payments required under contracts under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s).

“HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

“(10) to make payments required under contracts under sections 235 and 236, respectively, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1).”.

11,663,000,000
(permanent indefinite appropriation to liquidate contract authority)

[Total, title I, Department of Housing and Urban Development:

[New budget (obligational) authority (net)	*$12,181,660,775.]*
[Appropriations	*5,792,407,000.]*
[Portion applied to debt reduction	*−215,000,000.]*
[Contract authority	*10,759,482,775.]*
[Rescission of contract authority, indefinite	*−4,753,547,000.]*
[Authority to borrow	*598,318,000.]*
[Appropriations to liquidate contract authority	*11,663,000,000.]*
[Increased limitation on annual contract authority	*847,524,808.]*
[Limitation on annual contract authority, indefinite	*−89,248,000.]*
[Limitation on direct loans	*667,328,000.]*
[Limitation on guaranteed loans	*119,375,000,000.]*
[Limitation on corporate funds	*282,085,000.]*

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $11,065,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it. $11,065,000

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, $36,000,000: *Provided*, That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories. 36,000,000

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, $7,759,000, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation. 7,759,000

Environmental Protection Agency

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $656,275,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

$656,275,000

RESEARCH AND DEVELOPMENT

For research and development activities, $193,000,000, to remain available until September 30, 1986.

193,000,000

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, $447,500,000, to remain available until September 30, 1986: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009.

447,500,000

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, $12,000,000, to remain available until expended: *Provided*, That none of the funds available under this heading may be obligated for construction of new facility projects without the prior approval of the Committees on Appropriations.

12,000,000

PAYMENT TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For payment to the Hazardous Substance Response Trust Fund as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), $44,000,000.

44,000,000

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), $620,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided*, That not to exceed $87,573,000 shall be available for administrative expenses. Funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96–510: *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96–510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $14,620,000 shall be made available to the Department of

620,000,000

87,573,000 (limitation on administrative expenses)

Health and Human Services on October 1, 1984, to be derived by transfer from the Hazardous Substance Response Trust Fund, of which no less than $5,125,000 shall be available for toxicological testing of hazardous substances.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 201(m) (1)–(3), 201(n)(2), 206, 208, and 209, $2,400,000,000, to remain available until expended. $2,400,000,000

[*Total, Environmental Protection Agency, $4,372,775,000.*]

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $700,000. 700,000

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $2,194,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it. 2,194,000

[*Total, Executive Office of the President, $2,894,000.*]

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), $100,000,000, to remain available until expended. 100,000,000

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,000 for official reception and representation expenses, $130,149,000. 130,149,000

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, $331,219,000: *Provided,* That of this amount $4,778,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), shall be available until September 30, 1986.

$331,219,000

NATIONAL FLOOD INSURANCE FUND

For repayment under notes issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), $200,205,000. In fiscal year 1985, not to exceed (1) $37,045,000 for operating expenses, (2) $59,283,000 for agents' commissions and taxes, and (3) $8,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without the approval of the Committees on Appropriations.

200,205,000
−200,205,000
(portion applied to debt reduction)

[*Total, Federal Emergency Management Agency, $561,368,000.*]

General Services Administration

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,149,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $4,449,000. Administrative expenses of the Consumer Information Center in fiscal year 1985 shall not exceed $1,449,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1985 in excess of $4,449,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.

1,149,000

Department of Health and Human Services

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,096,000.

2,096,000

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $155,500,000 for a space station; (2) $195,000,000 for space telescope development; (3) $120,200,000 for the gamma ray observatory; (4) $92,400,000 for upper stages; (5) $92,500,000 for the Venus radar mapper mission; and (6) $56,100,000 for Galileo; without the approval of the Committees on Appropriations; $2,422,600,000, to remain available until September 30, 1986; including $155,500,000 for a space station, of which $5,500,000 shall be made available from prior year appropriations: *Provided,* That of this amount, $63,800,000 is available for space station systems definition and integration studies, including $6,300,000 for systems engineering and integration support activities: *Provided further,* That within this amount, NASA shall conduct a study of an option which "phases-in" the permanently manned features of the station, as one of the reference configurations to be examined in the definition studies: *Provided further,* That the result of this study shall be reported to the House and Senate Committees on Appropriations prior to the selection by the Administrator of a configuration for the permanently manned space station: *Provided further,* That of this amount, $57,500,000 shall be withheld from obligation or expenditure until April 1, 1985: *Provided further,* That the recommendations contained in the report required under the "Research and Program Management" be incorporated in any contract entered into as part of the systems definition and integration studies.

$2,422,600,000

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,510,600,000 for space shuttle production and operational capability; and (2) $1,339,000,000 for space transportation operations; without the approval of the Committees on Appropriations; $3,601,800,000, to remain available until September 30, 1986.

3,601,800,000

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $150,000,000, to remain available until September 30, 1987: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further,* That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics

150,000,000

and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations, if he determines that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further,* That with funds appropriated under the Research and Development account and the Space Flight, Control and Data Communications account to NASA in this Act, and subsequent appropriations Acts, NASA may enter into a contract with the California Institute of Technology to amortize the Central Engineering Building over a twelve-year period for a total cost of not to exceed $17,000,000, plus applicable financing costs equal to the prime rate plus 2 percent, under the authority granted under Public Law 98-45. The building shall be built at the Jet Propulsion Laboratory with title to be vested initially in the California Institute of Technology, and to revert to NASA upon completion of payments.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; $1,317,000,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive: *Provided further,* That the National Aeronautics and Space Administration may test a flat rate per diem system for employee travel allowances under regulations prescribed by the Administrator: *Provided further,* That the rates will be consistent with those authorized by the Administrator of the General Services Administration: *Provided further,* That per diem allowances paid employees under a flat rate per diem system shall be amounts determined by the Administrator of NASA to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but in no event will the travel allowances exceed $75 for each day in travel status within the continental United States, unless the statutory maximum rate of $75 per day is increased by the Congress and implemented by the Administrator of the General Services Administration: *Provided further,* That the test approved under this section shall expire on September 30, 1985, or upon the effective date of permanent legislation establishing a flat rate per diem system for civilian personnel, whichever occurs first: *Provided further,* That the Administrator shall establish an Advanced Technology Advisory Committee in conjunction with NASA's Space Station program and that the Committee shall prepare a report by April 1, 1985, identifying specific space station systems which advance automation and

$1,317,000,000

robotic technologies, not in use in existing spacecraft, and that the development of such systems shall be estimated to cost no less than 10 per centum of the total Space Station costs.

GENERAL PROVISIONS

The National Aeronautics and Space Administration has authority, notwithstanding any other provision of law, to take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a fully reimbursable basis, Class VI Computers, otherwise acquired for service at NASA installations under authorized acquisition procedures, with accompanying peripheral equipment, as requested by the Foundation: *Provided*, That the National Science Foundation is authorized to receive from the National Aeronautics and Space Administration, Class VI Computers, with such accompanying peripheral equipment as NASA makes available, and, upon receipt, to sell said computer and peripheral equipment to an institution of higher education under such terms as it deems appropriate notwithstanding any other provision of law.

[*Total, National Aeronautics and Space Administration, $7,491,400,000.*]

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During 1985, obligations of the Central Liquidity Facility for new loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1985 shall not exceed $850,000.

$600,000,000 (limitation on direct loans)

850,000 (limitation on corporate funds)

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $1,301,912,000, to remain available until September 30, 1986: *Provided*, That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than $70,302,000 shall be available for program development and management in fiscal year 1985: *Provided further*, That contracts may be entered into under the program development and management limitation in fiscal year 1985 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the

1,301,912,000

70,302,000 (limitation on administrative expenses) total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That not to exceed $9,000,000 shall be available for the very long baseline array and such funds shall not be obligated before April 1, 1985: *Provided further*, That the Foundation is authorized to indemnify grantees, contractors, and subcontractors associated with the ocean drilling program under the provisions of section 2354 of title 10 of the United States Code, with all approvals and certifications required thereby made by the Director of the National Science Foundation.

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the U.S. Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses; $110,080,000, to remain available until expended: *Provided*, That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft. $110,080,000

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $87,000,000, to remain available until September 30, 1986: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That $5,000,000 shall be transferred from funds provided under this head to and merged with funds made available under "Research and related activities" for the purpose of conducting research on teaching and learning: *Provided further*, That $2,000,000 shall be made available for a contract to develop a science education plan and management structure for the Foundation. 87,000,000

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $2,800,000, to remain available until September 30, 1986: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation for payments in the foregoing currencies. 2,800,000

[*Total, National Science Foundation, $1,501,792,000.*]

Neighborhood Reinvestment Corporation

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $15,512,000.

$15,512,000

Selective Service System

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $27,780,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

27,780,000

Department of the Treasury

PAYMENTS TO LOCAL GOVERNMENT

FISCAL ASSISTANCE TRUST FUND

For payments to the Local Government Fiscal Assistance Trust Fund, $4,566,700,000.

4,566,700,000

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses of the Office of Revenue Sharing, including hire of passenger motor vehicles, $7,941,000.

7,941,000

[*Total, Department of the Treasury, $4,574,641,000.*]

Veterans Administration

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, $13,992,900,000, to remain available until expended.

13,992,900,000

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 34-36, 39, 51, 53, 55, and 61), $1,137,800,000, to remain available until expended.

1,137,800,000

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $11,000,000, to remain available until expended.

$11,000,000

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); $8,792,165,000, plus reimbursements.

8,792,165,000

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1986, $192,695,000, plus reimbursements.

192,695,000

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, $70,000,000, plus reimbursements: *Provided,* That the total FTEE for the following offices within the Department of Medicine and Surgery not exceed 106 FTEE during fiscal year 1985: (1) Program Analysis and Development; (2) Health Systems Planning Service; (3) Planning Methods and Systems Development Service; (4) Facilities Planning Service; and (5) MEDIPP field personnel, without the approval of the Committees on Appropriations.

70,000,000

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law; purchase of twelve passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $750,454,000.

750,454,000

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $568,194,000, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the Design Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided*, That, notwithstanding any other provision of law, no funding provided in this or any other Act shall be available in fiscal year 1984 for the Design Fund and not to exceed $15,000,000 in fiscal year 1985 shall be available for the Design Fund: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1985, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1985 and (2) by the awarding of a construction contract by September 30, 1986: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance by the Veterans Administration: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Veterans Administration medical facility must certify that the design of such project is acceptable from a patient care standpoint.

$568,194,000

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, $200,200,000, to remain available until expended, along with unobligated balances of previous Construction, minor projects appropriations which are hereby made available for any project where the estimated cost is less than $2,000,000: *Provided*, That not more than $39,104,000 shall be available for expenses of the Office of Construction: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Veterans Administration which are necessary because of loss or damage caused by any natural disaster or catastrophe and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

200,200,000

39,104,000 (limitation on administrative expenses)

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 5031-5037), $34,500,000, to remain available until September 30, 1987.

34,500,000

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding or improving State veterans' cemeteries as authorized by law (38 U.S.C. 1008), $5,000,000, to remain available until September 30, 1987. $5,000,000

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1986. 500,000

LOAN GUARANTY REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

During 1985, the Loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided,* That the unobligated balances, including retained earnings of the Direct loan revolving fund, shall be available, during 1985, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1985, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1985, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans is authorized for specially adapted housing loans (38 U.S.C. chapter 37). *1,000,000 (limitation on direct loans)*

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 per centum of any appropriation for 1985 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1985 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of any sum appropriated or otherwise made available in this Act for the Veterans Administration may be obligated or expended for the purchase of any site for, or toward the construction of, any new hospital to replace the Allen Park Veterans' Administration Hospital, prior to the receipt by the Administrator of Veterans Affairs of the ongoing General Accounting Office study of such replacement project, except that such funds may be obligated or expended for design and engineering studies for such replacement project without regard to the limitation under this paragraph.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

One or more pilot programs shall be conducted to determine the effectiveness of utilizing private contractual services to assist in the administrative collection of various types of delinquent debts or other funds due the Government.

[Total, Veterans Administration, $25,755,408,000.]

[Total, title II, Independent Agencies:

[New budget (obligational) authority	*$44,361,639,000.]*
[Appropriations	*44,561,844,000.]*
[Portion applied to debt reduction	*−200,205,000.]*
[Limitation on administrative expenses	*196,979,000.]*
[Limitation on direct loans	*601,000,000.]*
[Limitation on corporate funds	*850,000.]*

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1985 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $67,565,000 shall be available for expenses of the Federal Home Loan Bank Board, which amount shall include nonadministrative expenses for the examination and supervision of Federal and State-chartered institutions in an amount not to exceed $43,184,000, including $500,000 which shall be available only for purposes of training State examiners, and administrative expenses in an amount not to exceed $24,381,000, and said total amount shall be available for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and

$43,184,000 (limitation on non-administrative expenses, corporate funds)

$24,381,000 (limitation on administrative expenses, corporate funds)

receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal Home Loan Banks, the Federal Reserve Banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided*, That, with the prior approval of the Committees on Appropriations, not to exceed 10 per centum of the lesser of the limitations on administrative and nonadministrative expenses may be transferred between said limitations: *Provided further*, That expenses for special examinations of Federal and State-chartered institutions determined by the Board to be necessary, all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be excluded from the above limitations: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council may be compensated subject to the provisions of section 7 of the Federal Advisory Committee Act, and shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That not to exceed $1,500 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

$1,343,000 (limitation on administrative expenses, corporate funds)

Not to exceed $1,343,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

[*Total, title III, Corporations (limitation on corporate funds to be expended), $68,908,000.*]

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974 to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitation.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. No part of any appropriation contained in this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 414. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 415. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1985".

Approved July 18, 1984.

LEGISLATIVE HISTORY—H.R. 5713

HOUSE REPORTS: No. 98-803 (Comm. on Appropriations) and No. 98-867 (Comm. of Conference).
SENATE REPORT No. 98-506 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 30, considered and passed House.
June 21, considered and passed Senate, amended.
June 27, House agreed to conference report, receded and concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report and concurred in House amendments.

Grand total, all titles:		
New budget (obligational) authority (net)	$56,543,299,775	
Appropriations	(50,354,251,000)	
Portion applied to debt reduction	(−415,205,000)	
Contract authority	(10,759,482,775)	
Rescission of contract authority, indefinite	(−4,753,547,000)	
Authority to borrow	(598,318,000)	
Appropriations to liquidate contract authority	*11,663,000,000*	
Increased limitation on annual contract authority	*(847,524,808)*	
Limitation on administrative expenses	*(196,979,000)*	
Limitation on annual contract authority, indefinite	*(−89,248,000)*	
Limitation on direct loans	*(1,268,328,000)*	
Limitation on guaranteed loans	*(119,375,000,000)*	
Limitation on corporate funds to be expended	*(351,843,000)*	
Total, new budget (obligational) authority, Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1985 (net)		$56,543,299,775

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Housing and Urban Development for such fiscal year:

Permanent appropriations: Federal funds (pp. 1773–1774)	$253,447,000	
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Appropriation to Treasury for financing public housing (pp. 403–404)	300,000,000	
Rental housing assistance (contract authority, indefinite) (p. 403)	95,700,000	
Subtotal, additions		649,147,000

Deduct amounts for offices and independent agencies transferred to Defense—Civil Functions, Departments of Health and Human Services, Treasury, and General Government totals:

Defense—Civil functions:		
Cemeterial expenses, Army (p. 175)	$7,759,000	
Department of Health and Human Services:		
Office of Consumer Affairs (p. 178)	2,096,000	
Department of the Treasury:		
Fiscal Assistance Trust Fund (p. 183)	4,566,700,000	
Office of Revenue Sharing (p. 183)	7,941,000	
General Government:		
American Battle Monuments Commission (p. 175)	11,065,000	
Consumer Product Safety Commission (p. 175)	36,000,000	
Environmental Protection Agency (pp. 176-177)	4,372,775,000	
Executive Office of the President (p. 177)	2,894,000	
Federal Emergency Management Agency (pp. 177-178)	561,368,000	
General Services Administration—Consumer Information Center (p. 178)	1,149,000	
National Aeronautics and Space Administration (pp. 178-181)	7,491,400,000	
National Science Foundation (pp. 181-182)	1,501,792,000	
Neighborhood Reinvestment Corporation (p. 183)	15,512,000	
Selective Service System (p. 183)	27,780,000	
Veterans Administration (pp. 183-187)	25,755,408,000	
Subtotal, deductions		−$44,361,639,000
Grand total, Department of Housing and Urban Development (net)		12,830,807,775

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985

98th Congress, H.R. 5973

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on June 29, 1984. The bill passed the House on August 2, 1984, and was subsequently considered in the Senate but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see pp. 283-319 for text of relevant part of Public Law 98-473, and pp. 1895-1899 for the table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 5973

HOUSE REPORTS: No. 98-886 (Comm. on Appropriations), No. 98-898 (Comm. on Rules), and No. 98-913 (Comm. on Rules).
SENATE REPORT No. 98-578 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 29, reported in the House.
July 24, reported from Rules.
July 26, reported from Rules.
Aug. 2, passed House.
Aug. 6, reported in the Senate.

NOTE.—The following summary shows the amounts of new budget (obligational) authority provided for fiscal year 1985 under Sec. 101(c) of Public Law 98-473 for the programs and activities normally funded in this regular annual appropriations bill:

Grand total:	
New budget (obligational) authority (net)	[1, 2] $2,748,333,000
Appropriations, fiscal year 1985	[1, 2] (8,118,433,000)
Appropriations, fiscal year 1986	(4,900,000)
Rescission, fiscal year 1980	(−5,375,000,000)
Liquidation of contract authority	*(28,000,000)*
Limitation on direct loans	*(18,600,000)*
Timber receipts transfer to general fund, indefinite	*(−90,095,000)*
Timber purchaser credits	*(192,301,000)*
By transfer	*50,496,000*
Off-budget, SPR petroleum account	*(2,049,550,000)*

Total, new budget (obligational) authority, Department of the Interior and Related Agencies Appropriations Bill, 1985 (net) [1, 2, 3] $2,748,333,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(c) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for the Department of the Interior for such fiscal year:

Permanent appropriations:	
Federal funds (pp. 1774-1777)	$977,430,000
Trust funds (pp. 1787-1788)	483,687,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in Sec. 327 of P.L. 98-473.

[2] Includes $79,253,000 in "indefinite" appropriations.

[3] The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" above).

Appropriations in legislative acts:		
Migratory bird conservation, Federal funds (Public Law 98-548) (p. 1927)	$15,000,000	
Energy and Water Development Appropriations Act, 1985: Bureau of Reclamation (pp. 150-156)	1,052,709,000	
Subtotal, additions		$2,528,826,000

Deduct advance appropriations for fiscal year 1986, rescissions of fiscal year 1980 funds, and amounts transferred to Department of Agriculture; Department of Education; Department of Energy; Department of Health and Human Services; and General Government totals:

Advance appropriations for fiscal year 1986:		
National Park Service: National Capital Region Arts and Cultural Affairs (pp. 289-290)	[1]$4,900,000	
Rescission of fiscal year 1980 funds:		
Department of the Treasury (pp. 304-305)	-5,375,000,000	
Department of Agriculture:		
Forest Service (pp. 301-304)	[1]1,310,073,000	
Department of Education (p. 309)	[1]67,404,000	
Department of Energy (pp. 305-308)	[1]981,693,000	
Department of Health and Human Services (pp. 308-309)	[1]855,362,000	
General Government:		
Advisory Council on Historic Preservation (p. 313)	[1]1,546,000	
Commission on Fine Arts (p. 313)	[1]372,000	
Federal Inspector for the Alaska Gas Pipeline (p. 314)	[1]1,401,000	
Franklin Delano Roosevelt Memorial Commission (p. 313)	[1]21,000	
Holocaust Memorial Council (p. 314)	[1]1,990,000	
National Capital Planning Commission (p. 313)	[1]2,670,000	
National Foundation on the Arts and Humanities (pp. 312-313)	[1]324,698,000	
Navajo Hopi Relocation Commission (p. 310)	[1]20,321,000	
Pennsylvania Avenue Development Corporation (p. 313)	[1]6,664,000	
Smithsonian Institution (pp. 310-311)	[1]228,304,000	
Subtotal, deductions:		
Appropriations		[1]-3,807,419,000
Rescissions		+5,375,000,000
Grand total, Department of the Interior		[1,2] 6,844,740,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in Sec. 327 of P.L. 98-473.

[2] The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 193, this volume).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985

Public Law 98-619

98th Congress, H.R. 6028

November 8, 1984

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $67,625,000, together with not to exceed $45,200,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

$67,625,000
45,200,000 (limitation on trust fund transfer)

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $3,643,545,000 plus reimbursements, to be available for obligation for the period July 1, 1985, through June 30, 1986, including $2,000,000 for the National Commission for Employment Policy, including $3,000,000 for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and including $10,000,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

3,643,545,000

For the summer youth employment and training program authorized by the Job Training Partnership Act, $100,000,000, in addition to amounts otherwise provided herein for these purposes, to be allocated to States so that each service delivery area receives, as

100,000,000

nearly as possible, an amount equal to its prior year allocation for this program, to be available for obligation for the period July 1, 1984, through June 30, 1985.

For activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, $26,000,000. $26,000,000

[*Total, Training and Employment Services, $3,769,545,000.*]

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $254,280,000. 254,280,000

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $71,720,000. 71,720,000

[*Total, Community Service Employment for Older Americans, $326,000,000.*]

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) $75,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments. 75,000,000

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 231-238 and 243-244, title II of the Trade Act of 1974, as amended; and as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), and section 51 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 51), notwithstanding section 261(f)(2)(A) of the Economic Recovery Tax Act of 1981, as amended, $23,500,000, together with not to exceed $2,387,065,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $777,398,000 shall be available for obligation for the period July 1, 1985, through June 30, 1986, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which, not to exceed $3,767,000 which shall be available only for amortization payments to States which had independent retirement plans in their State Employment Service Agencies, and of which $263,817,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments. 23,500,000 *2,387,065,000 (limitation on trust fund transfer)*

[*Total, Employment and Training Administration, $4,261,670,000.*]

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $60,211,000. $60,211,000

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1985, for such Corporation: *Provided*, That not to exceed $33,057,000 shall be available for administrative expenses of the Corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $192,582,000, together with $397,000, which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act. 192,582,000 *397,000 (limitation on trust fund transfer)*

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $211,400,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1985. 211,400,000

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $949,244,000, of which $910,781,000 shall be available until September 30, 1986, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which $24,403,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $13,688,000 for transfer to Departmental Management, Salaries and Expenses, and $372,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as 949,244,000 authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act. $756,000 *(indefinite)*

[*Total, Black Lung Disability Trust Fund .... $950,000,000.*]

[*Total, Employment Standards Administration ...... 1,353,982,000.*]

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $219,652,000, including not to exceed $53,091,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except— 219,652,000

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further,* That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $150,550,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and

$150,550,000

the purchase of not to exceed forty-five passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $152,860,000, of which $9,625,000 shall be for expenses of revising the Consumer Price Index, together with not to exceed $20,420,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $4,823,000 shall remain available until September 30, 1986.

$152,860,000

20,420,000 (limitation on trust fund transfer)

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including $2,129,000 for the President's Committee on Employment of the Handicapped, $102,330,000, together with not to exceed $240,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

102,330,000

240,000 (limitation on trust fund transfer)

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $122,172,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–08 and 2021–26.

122,172,000 (limitation on trust fund transfer)

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

67,000

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $39,323,000 together with not to exceed $4,300,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

[*Total, Departmental Management, $141,720,000.*]

39,323,000

4,300,000 (limitation on trust fund transfer)

General Provisions

Sec. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

Sec. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on worker health or safety.

This title may be cited as the "Department of Labor Appropriation Act, 1985".

[Total, title I, Department of Labor:

[New budget (obligational) authority	*$6,340,645,000.]*
[Definite	*6,339,889,000.]*
[Indefinite	*756,000.]*
[Limitation on trust fund transfers	*2,579,794,000.]*

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

For carrying out titles III, IV, V, VII, VIII, X, and parts A and C of title XVI, and XIX of the Public Health Service Act, and 5 U.S.C. 7901, section 427(a) of the Federal Coal Mine Health and Safety Act, and title V of the Social Security Act, $1,427,694,000, of which $2,500,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease and $2,500,000, to remain available until expended, shall be for demonstration grants under section 301: *Provided further,* That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That when the Department of Health and Human Services operates an employee health program for any Federal department or agency, payment for the full estimated cost may be made by way of reimbursement or in advances to this appropriation: *Provided further,* That during the fiscal year, and within the resources and authority available under section 338 of the Public Health Service Act, gross obligations for the principal amount of direct loans under section 335(c), 338C(e)(1), and 338E of that Act shall not exceed $1,000,000: *Provided further,* That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer of the Public Health Service for any period during which the officer is providing obligated service under section 338B (or under former sections 225(e) or 752) of the Public Health Service Act except that this proviso shall not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of Public Law 97-377.

$1,427,694,000

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $26,500,000, together with $5,500,000 to be derived from the Medical Facilities Guarantee and Loan Fund's Direct Loan Revolving Fund, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year no commitments for direct loans, or loan guarantees shall be made. $26,500,000

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, and not to exceed $2,600,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1985. *2,600,000 (limitation on direct loans)*

[*Total, Health Resources and Services Administration, $1,454,194,000.*]

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

To carry out titles III, XI, and XIX of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $410,530,000, of which $6,310,000 shall remain available until expended for construction and renovation of facilities: *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training. 410,530,000

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,183,806,000. 1,183,806,000

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301, title IV and title XI of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $805,269,000. 805,269,000

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental diseases, $100,688,000. 100,688,000

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, diabetes, and digestive and kidney diseases, $543,576,000. 543,576,000

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $396,885,000. 396,885,000

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $370,965,000. $370,965,000

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $482,260,000. 482,260,000

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $313,295,000. 313,295,000

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $181,678,000. 181,678,000

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301, 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $194,819,000. 194,819,000

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $144,521,000. 144,521,000

RESEARCH RESOURCES

For carrying out sections 301 and 472 of the Public Health Service Act with respect to research resources and general research support grants, $304,025,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants. 304,025,000

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $11,728,000, of which $1,999,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory. 11,728,000

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $52,410,000. 52,410,000

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $38,304,000, including purchase of not to exceed thirteen passenger motor vehicles for replacement only: *Provided*, That $10,000,000 of the foregoing amount shall remain available until September 30, 1986. 38,304,000

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, $21,730,000, to remain available until expended.

$21,730,000

[*Total, National Institutes of Health, $5,145,959,000.*]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $922,621,000.

922,621,000

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

For a portion of the cost of the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, $48,595,000: *Provided,* That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia, Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital and shall remain available until expended.

48,595,000
(indefinite)

[*Total, Alcohol, Drug Abuse and Mental Health Administration, $971,216,000.*]

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III and XX of the Public Health Service Act, $101,803,000, of which $250,000 shall be available for design and facility planning under section 305(b)(3) of the Public Health Service Act, together with not to exceed $1,050,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein and, in addition, amounts collected by the National Center for Health Statistics from the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided,* That section 2008(g) does not apply to these programs.

101,803,000

1,050,000
(limitation on trust fund transfer)

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

78,589,000
(indefinite)

[*Total, Office of the Assistant Secretary for Health, $180,392,000.*]

[*Total, Public Health Service, $8,162,291,000.*]

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, $16,293,491,000, to remain available until expended.

$21,854,491,000
[1]–5,561,000,000

For making, after May 31, 1985, payments to States under title XIX of the Social Security Act, for the last quarter of fiscal year 1985 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

[2]*(indefinite)*

Payment under title XIX may be made for any quarter beginning after June 30, 1984, and before October 1, 1985, with respect to any State plan or plan amendment in effect during any such quarter, if submitted in, or prior to, such quarter and approved in that or any such subsequent quarter.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1986, $5,980,000,000, to remain available until expended.

5,980,000,000 *(advance appropriation, fiscal year 1986)*

[*Total, Grants to States for Medicaid (net), $22,273,491,000.*]

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $18,750,000,000.

18,750,000,000

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, $98,147,000, together with not to exceed $1,084,779,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That these amounts shall be in addition to $45,000,000 for this purpose available under section 118 of Public Law 97-248: *Provided further*, That $20,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

98,147,000
1,084,779,000 (limitation on trust fund transfer)

[*Total, Health Care Financing Administration (Federal funds) (net), $41,121,638,000.*]

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act and section 152 of Public Law 98-21, $512,722,000.

512,722,000

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[1] Appropriated in fiscal year 1984 as a fiscal year 1985 advance.

[2] To be liquidated, if necessary, in the fiscal year 1986 Labor-HHS appropriation bill.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $1,024,131,000. For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

$1,024,131,000

[1] *(indefinite)*

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1986, $270,000,000, to remain available until expended.

270,000,000 *(advance appropriation, fiscal year 1986)*

[*Total, Special Benefits for Disabled Coal Miners, $1,294,131,000.*]

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $9,361,786,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury. For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the subsequent appropriations for the current or succeeding fiscal year.

9,361,786,000

[2]–36,786,000

[1] *(indefinite)*

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1986, $2,345,769,000, to remain available until expended.

2,345,769,000 *(advance appropriations, fiscal year 1986)*

[*Total, Supplementary Security Income Program (net), $11,670,769,000.*]

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV-A and -D, X, XI, XIV, and XVI, of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), $6,170,000,000, to remain available until expended.

8,243,000,000

[3]–2,073,000,000

[2]–376,000,000

For making, after May 31 of the current fiscal year, payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

[1] *(indefinite)*

For making payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1986, $2,095,000,000, to remain available until expended.

2,095,000,000 *(advance appropriations, fiscal year 1986)*

[*Total, Assistance Payments Program (net), $7,889,000,000.*]

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[1] To be liquidated, if necessary, in the fiscal year 1986 Labor-HHS appropriation bill.

[2] Appropriated in fiscal year 1984 as "indefinite."

[3] Appropriated in fiscal year 1984 as a fiscal year 1985 advance.

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, $497,000,000, to remain available until expended.

$635,000,000
[1]–138,000,000
[2]–17,000,000

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

[3]*(indefinite)*

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1986, $160,000,000, to remain available until expended.

160,000,000
(advance appropriation, fiscal year 1986)

[*Total, Child Support Enforcement (net), $640,000,000.*]

LOW INCOME HOME ENERGY ASSISTANCE

For carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,100,000,000. 2,100,000,000

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,787,515,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further,* That $50,000,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That $210,166,000 for automatic data processing and telecommunications activities shall remain available until expended: *Provided further,* That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.

3,787,515,000 (limitation on administrative expenses)

[*Total, Social Security Administration:*
[*New budget (obligational) authority (net)....*[4] *$24,106,622,000.*]
[*Limitation on administrative expenses .... 3,787,515,000.*]

HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000. 2,700,000,000

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Runaway and Homeless Youth Act, the Native Americans Program Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Child Abuse Prevention and Treatment

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[1] Appropriated in fiscal year 1984 as a fiscal year 1985 advance.

[2] Appropriated in fiscal year 1984 as "indefinite."

[3] To be liquidated, if necessary, in the fiscal year 1986 Labor-HHS appropriation bill.

[4] Includes advance appropriation of $4,870,769,000 for fiscal year 1986. (See table VIII, p. 1902, this volume, for more detail).

Act, and the Head Start Act of 1981, $1,996,154,000, of which $33,400,000 shall be available for carrying out section 308(b)(1) of the Older Americans Act of 1965. $1,996,154,000

FAMILY SOCIAL SERVICES

For carrying out parts B and E of title IV and section 1110 of the Social Security Act, and title II of Public Law 95-266 (adoption opportunities), $690,902,000. 690,902,000

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $266,760,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes. 266,760,000

[*Total, Human Development Services, $5,653,816,000.*]

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For carrying out the Community Services Block Grant Act, $372,435,000, of which $19,920,000 shall be for carrying out section 681(a)(2)(A), $4,050,000 shall be for carrying out section 681(a)(2)(D), $3,035,000 shall be for carrying out section 681(a)(2)(E), and $6,130,000 shall be for carrying out section 681(a)(2)(F): *Provided*, That not more than 10 per centum of the funds appropriated and allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act, except that the Secretary of Health and Human Services may waive this requirement for any State applying for such a waiver if— 372,435,000

(1) the State obtained a waiver of the requirements of section 138 of Public Law 97-276 with respect to appropriations for fiscal year 1983; and

(2) the State submits, prior to October 1, 1984, an application for fiscal year 1985 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $133,000,000 together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein. 133,000,000 *8,000,000 (limitation on trust fund transfer)*

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $53,391,000 together with not to exceed $20,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

$53,391,000
20,000,000
(limitation on trust fund transfer)

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,850,000 together with not to exceed $2,350,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

17,850,000
2,350,000
(limitation on trust fund transfer)

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,750,000: *Provided*, That not less than $1,750,000 shall be obligated to continue research on poverty conducted by the Institute for Research on Poverty.

9,750,000

[*Total, Departmental Management, $213,991,000.*]

General Provisions

Sec. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Sec. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

Sec. 203. Appropriations in this Act for the Health Resources and Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand five hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS–18; for carrying out section 472 of the Public Health Service Act; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 204. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 206. Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed $5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

SEC. 208. No funds appropriated for the fiscal year ending September 30, 1985, by this or any other Act, may be used to pay basic pay, special pays, basic allowance for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I annual rate of basic pay: *Provided*, That amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts "Health Resources and Services", National Institutes of Health "Office of the Director", "Disease Control", and "Federal Subsidy for Saint Elizabeths Hospital".

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1985".

[Total, title II, Department of Health and Human Services:	
[New budget (obligational) authority (net)	*$79,630,793,000.]*
[Appropriations, fiscal year 1985	*68,780,024,000.]*
[Definite	*68,652,840,000.]*
[Indefinite	*127,184,000.]*
[Appropriations, fiscal year 1985	*10,850,669,000.]*
[Trust fund limitations	*3,787,515,000.]*
[Limitation on trust fund transfers	*1,116,179,000.]*
[Limitation on direct loans	*2,600,000.]*

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,688,163,000 to become available on July 1, 1985, and remain available until September 30, 1986: *Provided*, That no funds shall be used for purposes of section 554(a)(1)(B), $5,246,000 shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, $264,524,000 shall be available for purposes of section 554(a)(2)(A), $150,170,000 shall be available for purposes of section 554(a)(2)(B), $32,616,000 shall be available for purposes of section 554(a)(2)(C) and $35,607,000 shall be available for purposes of section 554(b)(1)(D). $3,688,163,000

For carrying out section 418A of the Higher Education Act, $7,500,000. 7,500,000

[*Total, Compensatory Education for the Disadvantaged, $3,695,663,000.*]

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981, $531,909,000, of which $31,909,000 shall be for programs and projects authorized under subchapter D of said Act, including $10,700,000 for programs and projects authorized under subsection 583(a)(1) of said Act; $6,052,000 shall be used for awards, which, except for educational television programming, are not to exceed a cumulative amount of $1,000,000 to any recipient for national impact demonstration or research projects; $7,000,000 for activities authorized under subsection 583(b)(1) of said Act; $3,157,000 for programs authorized under subsection 583(b)(2) of said Act; $3,000,000 for programs authorized under subsection 583(b)(3) of said Act; and $2,000,000 for activities authorized under subsection 583(b)(4) of said Act: *Provided*, That $500,000,000 to carry out the State block grant program authorized under chapter 2 of said Act shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986: *Provided further*, That $31,909,000 for the purpose of subchapter D of said Act shall become available for obligation on October 1, 1984. 531,909,000

For grants to State education agencies and desegregation assistance centers authorized under section 403 of the Civil Rights Act of 1964, $24,000,000. 24,000,000

For carrying out activities authorized under title IX, part C of the Elementary and Secondary Education Act, $6,000,000. 6,000,000

For carrying out activities authorized under section 1524 of the Education Amendments of 1978, $2,700,000. 2,700,000

For carrying out activities authorized under section 1525 of the Education Amendments of 1978, $2,000,000. 2,000,000

For carrying out activities authorized under Public Law 92-506, as amended, $1,500,000: *Provided*, That said sum shall become available on July 1, 1985, and shall remain available until September 30, 1986. 1,500,000

For carrying out the provisions of title VII of the Education for Economic Security Act, relating to magnet schools assistance, $75,000,000: *Provided*, That not more than $4,000,000 in the fiscal year may be paid to any single eligible local educational agency: *Provided further*, That amounts appropriated under this sentence shall be available October 1, 1984. 75,000,000

SCIENCE AND MATH EDUCATION

For carrying out the provisions of title II of the Education for Economic Security Act, $100,000,000 to remain available until expended. $100,000,000

EXCELLENCE IN EDUCATION PROGRAM

For carrying out the provisions of title VI of the Education for Economic Security Act, $5,000,000 to remain available until expended. 5,000,000

[*Total, Special Programs, $748,109,000.*]

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $142,951,000 of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1985, and shall remain available until September 30, 1986. 142,951,000

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $675,000,000 of which $22,000,000 shall be entitlements under section 2 of said Act, $10,000,000, which shall remain available until expended, shall be for payments under section 7 of said Act and $643,000,000 shall be for entitlements under section 3 of said Act of which $513,000,000 shall be for entitlements under section 3(a) of said Act: *Provided,* That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further,* That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further,* That payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which 20 per centum or more of the total average daily attendance is made up of children determined eligible under section 3(b) shall be at 60 per centum of entitlement and payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which less than 20 per centum of the total average daily attendance is made up of children determined eligible under section 3(b) shall be ratably reduced from 100 per centum of entitlement: *Provided further,* That the provisions of section 5(c) of said Act shall not apply to funds provided herein: *Provided further,* That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: *Provided further,* That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further,* That in determining entitlements under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), the local contribution rate for each local educational agency shall not be less than the local contribution rate for that agency for fiscal year 1984 increased by the percentage increase (if 675,000,000 any) in the national average per pupil expenditure for fiscal year 1984 from fiscal year 1983: *Provided further,* That section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.": *Provided further,* That the second sentence of section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the", and section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act, of which $8,500,000 shall be for awards under section 10 of said Act, $8,500,000 shall be for awards under sections 14(a) and 14(b) of said Act, and $3,000,000 shall be for awards under sections 5 and 14(c) of said Act. $20,000,000

[*Total, School Assistance in Federally Affected Areas, $695,000,000.*]

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,321,270,000, of which $1,135,145,000, for section 611, $29,000,000 for section 619, and $61,000,000 for part D of such Act, including special education supervision, administration and research, special projects, and State education agency programs under existing grants and contracts as well as new grants and contracts as authorized by such part D, shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986: *Provided,* That $500,000 of the amounts available under this heading for part F of the Education of the Handicapped Act shall be available for the Theater of the Deaf. 1,321,270,000

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, the Helen Keller National Center Act, and the International Health Research Act of 1960, $1,233,300,000, of which $1,098,707,247 shall be for allotments under section 100(b)(1) of the Rehabilitation Act, $1,292,753 shall be for activities under section 110(b)(3) of the Rehabilitation Act, $4,200,000 shall be for continued operation of the Helen Keller National Center for Deaf-Blind Youths and Adults. 1,233,300,000

[*Total, Office of Special Education and Rehabilitation Services, $2,554,570,000.*]

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $831,314,000 831,314,000 which shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986, except that $8,178,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1985, and shall remain available until expended: *Provided*, That $7,000,000 for State advisory councils under section 105 of the Vocational Education Act shall be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount equal to the amount it received in the previous fiscal year: *Provided further*, That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, $4,871,000,000 which shall remain available until September 30, 1986, of which $412,500,000 shall be available for carrying out subpart 2 of part A of title IV of the Higher Education Act, and $250,000,000 shall be available to pay deficiencies resulting from the payment schedules for Pell Grants published by the Secretary of Education for academic year 1983-84 and academic year 1984-85: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1984-85 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payment schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That notwithstanding section 411(a)(2)(A)(i) and section 411(b)(5) of the Higher Education Act, the maximum grant a student may receive in the 1985-86 academic year shall be $2,100: *Provided further*, That the cost of attendance criteria used for calculating eligibility for and the amount of the Pell Grants for academic year 1985-86 shall be the same as the cost of attendance criteria used for academic year 1984-85: *Provided further*, That notwithstanding section 413D(a), and subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program and Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: *Provided further*, That notwithstanding section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-80) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program: *Provided further*, That notwithstanding section 413D(b)(1)(B)(ii)(II) of the Higher Education Act, the provisions of clause (I) of section 413D(b)(1)(B)(ii) of such Act shall apply to the amount made available for Supplemental Educational Opportunity Grants under this heading.

$4,871,000,000

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $3,079,477,000 to remain available until expended. $3,079,477,000

HIGHER EDUCATION

For carrying out title III of the Higher Education Act of 1965, as amended, $141,208,000: *Provided*, That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities. 141,208,000

For carrying out subpart 4 of part A of title IV; titles VI, VII, VIII, and X, parts B, C, D, and E of title IX; and sections 420, 734, and 1204(c) of the Higher Education Act of 1965 as amended; section 506 of the Education Amendments of 1972, as further amended by title XIII, part G, section 1361(a) of the Education Amendments of 1980; title XIII, part H, subpart 1 of the Education Amendments of 1980; section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; and the Minority Institutions Science Improvement Program under section 528(3) of the Omnibus Budget Reconciliation Act of 1981 as extended by section 414 of the General Education Provisions Act, $315,875,000: *Provided*, That $18,775,000 made available for interest subsidy grants under section 734 of the Higher Education Act and $28,000,000 made available for undergraduate and graduate facilities grants under part B of title VII of said Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act. 315,875,000

For carrying out title III, sections 301, 302, 303, and 304 of H.R. 2878, the "Library Services and Construction Act Amendments of 1984", as contained in conference report numbered 98-1075, $22,000,000. 22,000,000

[*Total, Higher Education, $479,083,000.*]

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $14,194,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1985, no new commitments for loans may be made from this account. 14,194,000

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1985 shall not exceed the total of loan repayments and other income available during such period, less operating costs. Payments of insufficiencies in fiscal year 1985 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal

National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1985. During fiscal year 1985 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be $40,000,000. *$40,000,000 (limitation on guaranteed loans)*

[*Total, Office of Post-Secondary Education, $8,443,754,000.*]

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, $59,978,000. 59,978,000

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II and III of the Library Services and Construction Act (20 U.S.C., ch. 16); and title II, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, $125,000,000: *Provided*, That $25,000,000 of the sums appropriated shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended. 125,000,000

[*Total, Office of Educational Research Improvement, $184,978,000.*]

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-106), including provision of materials to adults undergoing rehabilitation on the same basis as provided in 1984, $5,500,000. 5,500,000

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 et seq.), $31,400,000, of which $1,400,000 shall be for construction and shall remain available until expended. 31,400,000

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), including continuing education activities, existing extension centers and the National Center for ~~Law and~~ the Deaf, $58,700,000. 58,700,000

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $158,230,000, of which $2,000,000 shall be for an endowment matching grant in accordance with policies and procedures as appropriate for comparable grants under the Challenge Grant Amendments of 1983 (Public Law 98-95) and shall remain available until expended. 158,230,000

[*Total, Special Institutions, $253,830,000.*]

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $241,075,000. 241,075,000

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $45,000,000. $45,000,000

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $15,312,000. 15,312,000

[*Total, Departmental Management, $301,387,000.*]

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by the title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Sec. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Sec. 308. Section 402(c) of the Housing Act of 1950 is amended by striking out in clause (9) "October 1, 1984" and inserting in its place "October 1, 1985".

Sec. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1984 and 1985 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983.

This title may be cited as the "Department of Education Appropriation Act, 1985".

[*Total, title III, Department of Education, new budget (obligational) authority, $17,851,556,000.*]

TITLE IV—RELATED AGENCIES

Action

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 et seq.), $150,164,000, of which $17,000,000 shall be available to carry out title I, part A of said Act: *Provided,* That none of the funds appropriated under this heading may be used to close State or regional field offices.

$150,164,000

Corporation for Public Broadcasting

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934 as amended, an amount which shall be available within limitations specified by said Act, for the fiscal year 1987, $200,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion or sex.

200,000,000 *(advance appropriation, fiscal year 1987)*

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), $23,611,000. $23,611,000

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $3,837,000. 3,837,000

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $720,000. 720,000

NATIONAL COUNCIL ON THE HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the National Council on the Handicapped to carry out the provisions of the Vocational Rehabilitation Act of 1973, as amended (Public Law 98-221), $750,000, of which $300,000 shall be available for the employment of seven technical and professional staff persons in addition to the executive director. 750,000

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $137,964,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes. 137,964,000

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $6,358,000. 6,358,000

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission, $6,143,000. 6,143,000

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

For expenses necessary to carry out section 601 of Public Law 98-21, $2,424,000 to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

$2,424,000 (trust funds limitation)

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $405,000,000, which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

405,000,000

FEDERAL PAYMENT TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for unnegotiated checks, $15,000,000 which shall be the maximum amount available for payments pursuant to section 417 of Public Law 98-76: *Provided*, That these funds shall remain available through September 30, 1986.

15,000,000

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, $55,422,000 to be derived from the railroad retirement accounts: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,180 full-time equivalent employees: *Provided further*, That $500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r): *Provided further*, That $910,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

55,422,000 (limitation on administration)

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,678,000 shall be apportioned for fiscal year 1985 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 655), from moneys credited to the railroad unemployment insurance administration fund, and of this amount $3,038,000 shall be derived from contributions credited to the railroad unemployment insurance account and shall be credited to the railroad unemployment insurance administration fund as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 398 full-time equivalent employees: *Provided further*, That $390,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $32,952,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

$32,952,000 *(trust funds)*

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, $9,400,000, to remain available until expended.

9,400,000 *(trust funds)*

[*Total, Soldiers' and Airmen's Home, $42,352,000.*]

[*Total, title IV, related agencies:*

[*New budget (obligational) authority*	*$991,899,000.*]
[*Appropriations, fiscal year 1985*	*791,899,000.*]
[*Appropriations, fiscal year 1987*	*200,000,000.*]
[*Trust fund limitations*	*57,846,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance witn such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Health and Human Services, and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 512. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education, and medical officers and other health personnel on out-patient medical service who are exempted from such limitations under 31 U.S.C. 1344.

SEC. 513. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation center of the Job Corps which was not under such a contract as of September 1, 1984.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985".

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 6028 (S. 2836)

HOUSE REPORTS: No. 98-911 (Comm. on Appropriations) and No. 98-1132 (Comm. of Conference).
SENATE REPORT No. 98-544 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  June 29, reported in the Senate.
  July 26, reported in the House.
  Aug. 1, passed in the House.
  Sept. 21, 25, considered and passed in the Senate, amended.
  Oct. 1, House agreed to conference with Senate.
  Oct. 3, conference report filed in the House.
  Oct. 10, House and Senate agreed to conference report.

Grand total, titles I, II, III, and IV:		
Appropriations, fiscal year 1985	$93,764,124,000	
Definite	(93,636,184,000)	
Indefinite	(127,940,000)	
Appropriations, fiscal year 1986	10,850,769,000	
Appropriations, fiscal year 1987	200,000,000	
Limitation on direct loans	*(2,600,000)*	
Limitation on guaranteed loans	*(40,000,000)*	
Trust fund limitations	*(3,845,361,000)*	
Limitation on trust fund transfers	*(3,695,973,000)*	
Total, new budget (obligational) authority, Departments of Labor, Health and Human Services, and Education, and Related Agencies Act, 1985		$104,814,893,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 contained in the foregoing annual appropriation act, the following additional amounts are available for the Departments of Labor, Health and Human Services, and Education for the fiscal year:

Permanent appropriations:		
Federal Funds (pp. 1772-1773)	$3,660,611,000	
Trust Funds (pp. 1786-1787, and 1789)	304,705,572,000	
Appropriations in legislative acts:		
Federal hospital insurance, trust funds (P.L. 98-369) (p. 1927)	16,000,000	
Federal supplementary medical insurance, trust funds (P.L. 98-460) (p. 1927)	30,000,000	
Unemployment, trust funds (P.L. 98-493) (p. 1927)	1,000,000	
Advance appropriations for fiscal year 1985 made during previous sessions of Congress:		
98th Cong., 1st session:		
Health Care Financing Administration: Grants to states for Medicaid (p. 281, 1983-1984 volume)	5,552,000,000	
Social Security Administration:		
Assistance payments program (p. 283, 1983-1984 volume)	2,073,000,000	
Child support enforcement (p. 283, 1983-1984 volume)	138,000,000	
Departmental Management: Office of the Inspector General (p. 286, 1983-1984 volume)	9,000,000	
Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985: Food and Drug Administration (p. 96)	399,594,000	
Department of HUD-Independent Agencies Appropriation Act, 1985: Office of Consumer Affairs (p. 178)	2,096,000	
Department of the Interior and Related Agencies Appropriations Bill, 1985:		
Department of Health and Human Services: Indian Health Services (pp. 308-309)	855,362,000	
Department of Education: Indian Education (p. 309)	67,404,000	
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Alcohol, Drug Abuse, and Mental Health Administration (p. 320)	2,500,000	
Assistant Secretary for Human Development Services (pp. 610-614)	25,000,000	
Food and Drug Administration (p. 408)	11,550,000	
Health Resources and Services Administration (p. 400)	79,269,000	
National Institutes of Health (p. 320)	3,500,000	
Social Security Administration (p. 400)	444,262,000	
Office of Bilingual Education and Minority Languages Affairs (p. 401)	30,000,000	
Office of Elementary and Secondary Education (p. 401)	10,000,000	
Subtotal, additions		318,115,720,000

Deduct advance appropriations for fiscal years 1986 and 1987 and amounts transferred to the General Government and Defense—Civil functions totals:

Advance appropriations for fiscal year 1986:		
Department of Health and Human Services:		
Health Care Financing Administration: Grants to States for Medicaid (p. 205)	$5,980,000,000	
Social Security Administration:		
Special benefits for disabled coal miners (p. 206)	270,000,000	
Supplemental security income program (p. 206)	2,345,769,000	
Assistance payments program (p. 206)	2,095,000,000	
Child support enforcement (p. 207)	160,000,000	
Advance appropriation for fiscal year 1987:		
Corporation for Public Broadcasting (p. 218)	200,000,000	
General Government:		
ACTION (p. 218)	150,164,000	
Federal Mediation and Conciliation Service (pp. 218-219)	23,611,000	
Federal Mine Safety and Health Review Commission (p. 219)	3,837,000	
National Commission on Libraries and Information Science (p. 219)	720,000	
National Council on the Handicapped (p. 219)	750,000	
National Labor Relations Board (p. 219)	137,964,000	
National Mediation Board (p. 219)	6,358,000	
Occupational Safety and Health Review Commission (p. 219)	6,143,000	
Railroad Retirement Board:		
Dual benefits payments account (p. 220)	405,000,000	
Payments to Railroad Retirement Accounts (p. 220)	15,000,000	
Defense—Civil: Soldiers' and Airmen's Home (p. 221)	42,352,000	
Subtotal, deductions		−$11,842,668,000
Grand total, Departments of Labor, Health and Human Services, and Education		411,087,945,000

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985

Public Law 98-367

98th Congress, H.R. 5753

July 17, 1984

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000. $60,000

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000. 50,000

[*Total, Vice President and Senators, $110,000.*]

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,083,000. 1,083,000

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $145,000. 145,000

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $1,062,000. $1,062,000

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $407,000. 407,000

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $526,500 for each such committee; in all $1,053,000. 1,053,000

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $177,000. 177,000

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $87,000. 87,000

OFFICE OF THE SECRETARY

For Office of the Secretary, $7,067,000. 7,067,000

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $98,789,000. 98,789,000

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $35,429,000. 35,429,000

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $856,000. 856,000

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $19,487,000. 19,487,000

[*Total, salaries, officers and employees, $165,642,000.*]

Office of the Legislative Counsel of the Senate

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,400,000. 1,400,000

Office of Senate Legal Counsel

For salaries and expenses of the Office of Senate Legal Counsel, $565,000. 565,000

Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000. $12,000

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $949,000 for each such committee; in all $1,898,000. 1,898,000

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $48,050,000. 48,050,000

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $711,000. 711,000

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $41,214,000. 41,214,000

MISCELLANEOUS ITEMS

For miscellaneous items, $10,341,000. 10,341,000

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $7,500; in all, $12,000. 12,000

[*Total, contingent, expenses of the Senate, $102,226,000.*]

ADMINISTRATIVE PROVISIONS

SEC. 1. Effective with respect to fiscal years beginning on or after October 1, 1983, the first sentence of section 101 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 61a–9a) is amended by striking out "but such expenditures shall not exceed $10,000 during any fiscal year".

SEC. 2. (a) The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (44 Stat. 162; 2 U.S.C. 64a) is amended to read as follows:

"For any period during which both the Secretary and the Assistant Secretary of the Senate are unable (because of death, resignation, or disability) to discharge such Secretary's duties as disbursing officer of the Senate, the Financial Clerk of the Senate shall be deemed to be the successor of such Secretary as disbursing officer.".

(b) The paragraph under the heading "Administrative Provision" in chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 64b) is amended—

(1) in the first sentence thereof, by striking out ", except those matters relating to the Secretary's duties as disbursing officer of the Senate,"; and

(2) in the third sentence thereof, by striking out ", except those matters relating to the Secretary's duties as such disbursing officer".

SEC. 3. (a) Paragraph (1) of subsection (d) of section 105 of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(d)), is amended—

(1) by striking out "(A)" where it appears in the paragraph designation for paragraph (1);

(2) by amending the second sentence to read as follows: "In the event that the term of office of a Senator begins after the first month of a fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of a fiscal year, the aggregate amount available for gross compensation of employees in the office of such Senator for such year shall be the applicable amount contained in the table included in the preceding sentence, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month"; and

(3) by striking out subparagraph (B).

(b) The amendments made by subsection (a) of this section shall be effective with respect to fiscal years beginning after September 30, 1984.

SEC. 4. At no time during the first three months of any fiscal year (commencing with the fiscal year which begins October 1, 1984) shall the aggregate of payments of gross compensation made to employees out of any line item appropriation within the Senate appropriation account for "Salaries, Officers and Employees" (other than the line item appropriations, within such account for "Administrative, clerical, and legislative assistance to Senators" and for "Agency contributions") exceed twenty-five per centum of the total amount available for such line item appropriations for such fiscal year.

SEC. 5. The Sergeant at Arms and Doorkeeper of the Senate shall deposit in the United States Treasury for credit to the appropriation account, within the contingent fund of the Senate, for the "Sergeant at Arms and Doorkeeper of the Senate", all moneys received by him as reimbursement for equipment provided to Senators, committee chairmen, and other officers and employees of the Senate, which has been lost, stolen, damaged, or otherwise unaccounted for.

SEC. 6. The Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties of his office, is authorized to employ personnel at daily rates of compensation; no individual so employed shall be paid at a daily rate of compensation which is in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and payments under authority of this section shall be made from the account, within the contingent fund of the Senate, for the "Sergeant at Arms and Doorkeeper of the Senate", upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 7. Section 117 of Public Law 97-51 (2 U.S.C. 61f-8) is amended by striking out "$60,000" and inserting in lieu thereof "$210,000".

SEC. 8. Section 734 of title 31, United States Code, is amended—

(1) by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 9. Effective October 1, 1983, the allowance for administration and clerical assistance of each Senator from the State of Arizona is increased to that allowed to Senators from States having population of three million but less than four million, the population of such State having exceeded three million inhabitants.

SEC. 10. Notwithstanding any other provisions of law, a Senator who is the Chairman or Vice Chairman of the Senate Select Committee on Ethics may designate one employee employed in his Senate office to perform part-time service for such Committee, and such Committee shall reimburse such Senator for such employee's services for the Committee by transferring from the contingent fund of the Senate, upon vouchers approved by the Chairman of such Committee, to such Senator's Administrative, Clerical, and Legislative Assistance Allowance, with respect to each pay period of such employee, an amount which bears the same ratio to such employee's salary (but not more than one-half of such salary) for such period, as the portion of the time spent (or to be spent) by such employee in performing services for such Committee during such period bears to the total time for which such employee worked (or will work) during such period (as determined by the Chairman of such Committee) for such Committee and in such Senator's office. Any funds transferred under authority of the preceding sentence to a Senator's Administrative, Clerical, and Legislative Assistance shall be available for the same purposes and in like manner as funds therein which were not transferred thereto under such authority. For purposes of any law of the United States, a State, a territory, or a political subdivision thereof, an employee designated by a Senator pursuant to this section shall be considered to be an employee of such Senator's Senate office and not an employee of the Senate Select Committee on Ethics.

SEC. 11. (a) Section 110(a) of Public Law 97-12 (2 U.S.C. 58b) is amended—

(1) by inserting, immediately after the first sentence thereof, the following new sentence: "Each Senator, at his election, may, during any fiscal year (but not earlier than August 1 thereof), transfer from his clerk hire allowance to such Senator's Official Office Expense Account such amounts in such clerk hire allowance as the Senator shall determine, but not in excess of the balance (or accrued surplus in case of transfers made prior to October 1, 1984) as of the end of the month which precedes the date of such transfer.";

(2) in the second sentence thereof, by striking out "balance" and inserting in lieu thereof "amount"; and

(3) in the third sentence thereof, by striking out "December 31," and all that follows, and inserting in lieu thereof "December 31 of the calendar year in which occurs the close of such fiscal year, and such transfer shall be made on such date (but not earlier than August 1 of such calendar year) as may be specified by the Senator.".

(b) The amendments made by subsection (a) shall be effective in the case of fiscal years beginning after September 30, 1983.

SEC. 12. (a) The second sentence of paragraph (2) of section 105(d) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(d)(2)), is amended to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,251 or in excess of $68,172 per annum.".

(b) The first sentence of paragraph (3) of section 105(e) of such Act (2 U.S.C. 61-1(e)) is amended to read as follows: "No employee of a committee of the Senate shall be paid at a gross rate in excess of $67,694, in case of an employee of a joint committee the expenses of **which are paid from the contingent fund of the Senate, $68,172, in case of an employee of a select committee (including the conference majority and conference minority of the Senate), or $69,966, in case of an employee of any standing committee (including the majority and minority policy committees) of the Senate.".**

(c) The amendments made by subsection (a) of this section shall take effect on October 1, 1984.

[*Total, Senate, $269,955,000.*]

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000. $210,000

House Leadership Offices

For salaries and expenses, as authorized by law, $3,240,000, including: Office of the Speaker, $748,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $664,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $740,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $582,000, including $1,000 for official expenses of the Majority Whip and not to exceed $139,911 for the Chief Deputy Majority Whip; Office of the Minority Whip, $506,000, including $1,000 for official expenses of the Minority Whip and not to exceed $73,878 for the Chief Deputy Minority Whip.

$3,240,000

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $46,947,000, including: Office of the Clerk, $13,254,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $17,975,000; Office of the Doorkeeper, including overtime, as authorized by law, $6,645,000; Office of the Postmaster, $1,985,000, including $44,928 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $15,652 per annum each; Office of the Chaplain, $72,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $602,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $188,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $822,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $2,869,000; six minority employees, $422,000; the House Democratic Steering Committee and Caucus, $563,000; the House Republican Conference, $563,000; and Other Authorized Employees, $987,000.

46,947,000

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, Officers and Employees", upon the approval of the Committee on Appropriations of the House of Representatives.

Committee Employees

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $37,808,000.

37,808,000

Committee on Appropriations (Studies and Investigations)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,315,000.

4,315,000

Committee on the Budget (Studies)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $329,000.

329,000

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $164,126,000. $164,126,000

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $122,565,000, including: Official Expenses of Members, $68,200,000; supplies, materials, administrative costs and Federal tort claims, $18,160,000; furniture and furnishings, $1,270,000; stenographic reporting of committee hearings, $500,000; reemployed annuitants reimbursements, $1,782,000; Government contributions to employees' life insurance fund, retirement fund, and health benefits fund, $32,153,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $500,000. 122,565,000

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and Expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $45,667,000. 45,667,000

[*Total, contingent expenses of the House, $168,232,000.*]

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated in fiscal year 1985 for the House of Representatives under the headings "Committee employees", "Standing committees, special and select", "Salaries, officers and employees", "Allowances and expenses", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. The provisions of clause 10, rule I, of the Rules of the House of Representatives as in effect before the date of enactment of this Act, relating to the Office for the Bicentennial for the House of Representatives, established by House Resolution 621, Ninety-seventh Congress, shall be the permanent law with respect thereto. Rule I of the Rules of the House of Representatives is amended by striking out clause 10.

SEC. 103. The provisions of H. Res. 234, approved June 29, 1983, providing for appointment and education of House Pages; H. Res. 279, approved July 21, 1983, regarding the use of certain educational facilities; and the provisions of H. Res. 343, approved October 26, 1983, upgrading four positions on the Capitol Police Force, shall be the permanent law with respect thereto.

[*Total, House of Representatives, $425,207,000.*]

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,569,000. 2,569,000

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $909,000. $909,000

[*Total, contingent expenses of the Senate, $3,478,000.*]

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $3,605,000, to be disbursed by the Clerk of the House. 3,605,000

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) $644,800 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $956,000, to be disbursed by the Clerk of the House. 956,000

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $80 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,471,000, to be disbursed by the Clerk of the House: *Provided,* That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime should not exceed $4,000: *Provided further,* That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000. 1,471,000

CAPITOL POLICE BOARD

Funds available for obligations for fiscal year 1985 to enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $141,188, to be disbursed by the Clerk of the House. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such 141,188 details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided,* That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and the benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board.

[*Total, Capitol Police, $1,612,188.*]

Official Mail Costs

For expenses necessary for official mail costs, $73,944,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act. $73,944,000

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $810,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service. 810,000

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-eighth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work. 13,000

[*Total, joint items, $84,418,188.*]

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,000 from the Trust Fund) and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Section 1886 of the Social Security Act as amended by Section 601 of the Social Security Amendments of 1983 (Public Law 98-21), $15,549,000: *Provided,* That none of the funds in the Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further,* That no part of this appropriation shall be available for assessment or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151.

$15,549,000

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $17,418,000: *Provided,* That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 222 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to Section 903 of Public Law 98-63.

17,418,000

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $5,137,000.

5,137,000

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, $235,000, which shall remain available until expended.

235,000

[*Total, Office of the Architect of the Capitol, $5,372,000.*]

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $11,615,850, of which $1,200,000 shall remain available until expended: *Provided*, That appropriations under this head shall be available for replacement of Electromechanical Signal Devices for the legislative call system and for security improvements without regard to section 3709 of the Revised Statutes, as amended.

$11,615,850

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $2,796,000, of which $10,000 shall remain available until expended.

2,796,000

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $19,241,000 of which $2,394,000 shall remain available until expended, and $1,521,000 to be made available immediately upon enactment into law of this Act; in all, $20,762,000.

[*Total, Senate Office Buildings, $20,762,000.*]

19,241,000
1,521,000
(fiscal year 1984)

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $22,750,000, of which $2,070,000 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located at 501 First Street, S.E., on a portion of Reservation 17 in the District of Columbia when such building is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955, and to incur any expenditures under this appropriation required for alterations, maintenance, and occupancy thereof: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

22,750,000

CAPITOL POWER PLANT

(INCLUDING RESCISSION OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $23,834,000: *Provided*, That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1985. $23,834,000

Of the funds appropriated under this head in Public Law 97-51, made available until expended, $914,000 are rescinded. −914,000 *(rescission)*

[*Total, Capitol Buildings and Grounds (net), $80,843,850.*]

[*Total, Architect of the Capitol (except items in title II) (net), $86,215,850.*]

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $39,833,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code: *Provided further*, That this rate of basic pay shall take effect on the first day of the first applicable pay period commencing on or after the date of enactment of this Act. 39,833,000

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, $80,800,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) or for printing and binding copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years. 80,800,000

This title may be cited as the "Congressional Operations Appropriation Act, 1985".

[*Total, title I, Congressional Operations (net)........... $1,019,396,038.*]
[*Appropriations, fiscal year 1985........................ 1,018,789,038.*]
[*Appropriations, fiscal year 1984........................ 1,521,000.*]
[*Rescission .... −914,000.*]

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,044,000, of which $20,000 shall remain available until expended.

$2,044,000

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $137,492,000, of which not more than $4,300,000 shall be derived from collections credited to this appropriation during fiscal year 1985 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $4,300,000: *Provided further*, That, of the total amount appropriated, $5,242,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

137,492,000

−4,300,000
(receipts)

[*Total, salaries and expenses (net), $133,192,000.*]

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $17,102,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 1985 under 17 U.S.C. 708(c): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,000,000.

17,102,000

−6,000,000
(receipts)

[*Total, Copyright Office, salaries and expenses (net), $11,102,000.*]

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $36,592,000.

36,592,000

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $3,318,000, and, in addition, $300,000 to be derived by release of that amount withheld from obligation by the Librarian of Congress pursuant to section 311 of Public Law 95-391, of which $3,111,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

$3,318,000
300,000
(release of Sec. 311 funds)

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $1,673,000.

1,673,000

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $146,875, of which $54,950 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

[*Total, Library of Congress (except Congressional Research Service) (net), $185,877,000.*]

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $5,709,000, of which $310,000 shall remain available until expended.

5,709,000

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $722,000, of which $505,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable

722,000
−505,000
(receipts)

costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

[*Total, Copyright Royalty Tribunal (net), $217,000.*]

GOVERNMENT PRINTING OFFICE

Printing and Binding

For printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $13,200,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years. $13,200,000

Office of Superintendent of Documents

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $88,300); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $28,868,000: *Provided,* That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments. 28,868,000

Government Printing Office Revolving Fund

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with special studies of government printing, binding, and distribution practices and procedures: *Provided further,* That during the current fiscal year the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further,* That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by New Jersey Avenue and the western property line of the Government Printing Office, between G and H Streets.

[*Total, Government Printing Office (except Congressional printing and binding), $42,068,000.*]

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $294,704,000: *Provided*, That this appropriation and appropriations $294,704,000 for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board.

RAILROAD ACCOUNTING PRINCIPLES BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Railroad Accounting Principles Board, $1,000,000, to be expended in accordance with the provisions 1,000,000 of H.R. 4439, as passed by the House of Representatives on February 7, 1984.

[*Total, title II, other agencies (net), $531,619,000.*]

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

This Act may be cited as the "Legislative Branch Appropriations Act, 1985".

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 5753

HOUSE REPORTS: No. 98-811 (Comm. on Appropriations) and No. 98-870 (Comm. of Conference).
SENATE REPORT No. 98-515 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 31, reported in the House.
June 6, passed in the House.
June 14, reported in the Senate.
June 21, passed in the Senate, amended.
June 22, House agreed to conference with Senate.
June 28, House and Senate agreed to conference report.

Grand total:		
Title I, Congressional Operations (net)	$1,019,396,038	
Appropriations, fiscal year 1985	(1,018,789,038)	
Appropriations, fiscal year 1984	(1,521,000)	
Rescission, fiscal year 1982	(−914,000)	
Title II, Other Agencies (net)	531,619,000	
Release of sec. 311 funds	*(300,000)*	
Total, new budget (obligational) authority, Legislative Branch Appropriations Act, 1985 (net)		$1,551,015,038

NOTE—In addition to the new budget (obligational) authority for fiscal year 1985 contained in the foregoing annual appropriation act, the following additional amounts are available or rescinded for such fiscal year:

Permanent appropriations:		
Federal funds (p. 1769)	$98,586,000	
Trust funds (p. 1783)	7,444,000	
Second Supplemental Appropriations Act, 1984:		
Office of the Attending Physician (p. 39)	51,000	
Architect of the Capitol (rescission) (p. 39)	−72,000	
Subtotal, additions (net)		106,009,000

Deduct supplemental appropriations for fiscal year 1984 and rescissions of fiscal year 1982 funds:

Architect of the Capitol:		
Senate Office Buildings, 1984 (p. 235)	$1,521,000	
Capitol Power Plant, 1982 (rescission) (pp. 235-236)	+914,000	
Subtotal, deductions (net)		−607,000
Grand total, Legislative Branch (net)		1,656,417,038

MILITARY CONSTRUCTION APPROPRIATION BILL, 1985

98th Congress, H.R. 5898

[NOTE.—The Military Construction Appropriation Bill, 1985 (H.R. 5898) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on June 20, 1984. The bill passed the House on June 28, 1984, and was subsequently reported by the Senate Committee on Appropriations on July 26, 1984 but was not taken up on the Senate floor. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see pp. 321-327 for text of relevant part of Public Law 98-473, and p. 1912 for the table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 5898

HOUSE REPORTS: No. 98-850 (Comm. on Appropriations) and No. 98-854 (Comm. on Rules).
SENATE REPORT No. 98-567 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    June 20, reported in the House.
    June 21, reported from Rules.
    June 28, passed House.
    July 26, reported in the Senate.

NOTE.—The following summary shows the amounts of new budget (obligational) authority provided for fiscal year 1985 under Sec. 101(e) of Public Law 98-473 for the programs and activities normally funded in this regular annual appropriation bill:

Grand total:		
Department of Defense		$426,835,000
Department of the Army:		
Definite appropriations	$3,109,478,000	
Portion applied to debt reduction	–20,054,000	3,089,424,000
Department of the Navy:		
Definite appropriations	2,276,467,000	
Portion applied to debt reduction	–23,286,000	2,253,181,000
Department of the Air Force:		
Definite appropriations	2,663,698,000	
Portion applied to debt reduction	–27,932,000	2,635,766,000
Total, new budget (obligational) authority (all definite appropriations), Military Construction Appropriation Act, 1985		[1]8,405,206,000

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[1] The Military Construction Appropriation Bill, 1985 (H.R. 5898) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note", above).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1985

98th Congress, H.R. 5921

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see pp. 383-400 for text of relevant part of Public Law 98-473, and pp. 1913-1916 for the table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 5921

HOUSE REPORTS: No. 98-859 (Comm. on Appropriations) and No. 98-912 (Comm. on Rules).
SENATE REPORT No. 98-561 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 22, reported in the House.
July 17, reported in the Senate.
July 26, reported from Rules.

NOTE.—The following summary shows the amounts of new budget (obligational) authority provided for fiscal year 1985 under Sec. 101(i) of Public Law 98-473 for the programs and activities normally funded in this regular annual appropriation bill:

Grand total:	
New budget (obligational) authority	$11,581,085,584
Appropriations	(11,581,288,445)
Debt reduction	(−202,861)
Limitations on expenses	*(206,713,000)*
Limitations on borrowing authority	*(125,000,000)*
Limitations on obligations	*(15,484,750,000)*
Limitation on direct loans	*(50,000,000)*
Limitation on new loan guarantees	*(2,500,000)*
Limitation on working captial fund	*(65,500,000)*
Appropriations to liquidate contract authorization	*(14,203,625,000)*
Total, new budget (obligational) authority, Department of Transportation and Related Agencies Appropriation Bill, 1985	[1]$11,581,085,584

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(i) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for the Department of Transportation for the fiscal year:

Permanent appropriations:	
Federal funds (p. 1777)	$429,750,000
Trust funds (pp. 1790-1791)	16,899,023,000
Appropriations in legislative acts (contract authority):	
Highway safety grants, trust funds (P.L. 98-363) (p. 1927)	27,000,000
Departments of Commerce, Justice, and State, and the Judiciary Appropriations Act, 1985:	
Maritime Administration (pp. 106-107)	80,367,000

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[1] The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" above).

Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Coast Guard (p. 408)	$2,000,000	
Federal Highway Administration (p. 408)	12,000,000	
Subtotal additions		$17,450,140,000

Deduct amounts for independent agencies transferred to General government totals:

General Government:		
Architectural and Transportation Barriers Compliance Board (p. 396)	$2,000,000	
Civil Aeronautics Board (p. 396)	57,600,000	
Interstate Commerce Commission (p. 397)	48,000,000	
National Transportation Safety Board (p. 396)	21,700,000	
Panama Canal Commission (p. 397)	429,846,000	
United States Railway Association (p. 397)	2,100,000	
Washington Metropolitan Area Transit Authority (p. 398)	46,175,945	
Subtotal, deductions		−607,421,945
Grand total, Department of Transportation		[1]28,423,803,639

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[1] The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 245, this volume).

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1985

98th Congress, H.R. 5798

[NOTE.—The following bill is a copy of H.R. 5798 as enrolled when the conference report (House Report 98-993) was filed in the House of Representatives on September 6, 1984 except for sections 105 and 107 as explained below. The conference report and amendments in disagreement were considered and acted upon by the House on September 12, 1984, but were not taken up by the Senate. Budget authority for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 98-473, Making Further Continuing Appropriations for fiscal year 1985. Section 101(j) of Public Law 98-473 provides "such sums as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service and General Government Appropriations Act, 1985 (H.R. 5798) to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as passed by the House of Representatives on September 12, 1984, as if enacted into law (with the exception of the provisions involved in amendments numbered 24 and 26 which shall be effective as if enacted into law):". The following bill has been amended to include amendments numbered 24 and 26 as Sec. 105 and Sec. 107 on pp. 251-252. See p. 400 for text of Sec. 101(j) of Public Law 98-473 and pp. 1917-1919 for the table VIII showing estimates and funding levels by appropriation account.]

A BILL

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $1,683,000 for repairs and improvements to the Main Treasury Building and Annex, to remain available until expended; $56,474,000. $56,474,000

International Affairs

For necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs and improvement of, and purchase of commercial insurance policies for real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $22,768,000.

$22,768,000

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed eight for police-type use) and hire of passenger motor vehicles; not to exceed $75,000 for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; not to exceed $2,100,000 for repair, alteration, minor construction, and related equipment for the Federal Law Enforcement Training Center facility, to remain available until expended; and services as authorized by 5 U.S.C. 3109: *Provided*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; acceptance of gifts; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center; $18,314,000.

18,314,000

Bureau of Government Financial Operations

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations; $235,994,000 of which $5,700,000 shall remain available until expended for systems modernization initiatives.

235,994,000

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Alcohol, Tobacco and Firearms, including purchase of three hundred vehicles for police-type use of which two hundred and fifty are for replacement only; and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; not to exceed $5,000 for official reception and representation expenses; $169,271,000 of which $15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1985: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropri-

169,271,000

ated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred motor vehicles for replacement only, including one hundred and ninety for police-type use; hire of passenger vehicles; not to exceed $10,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by the Act of August 13, 1954 (22 U.S.C. 401); $643,465,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations and not to exceed $1,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1985. $643,465,000

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (purchase of three and transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; $44,425,000. 44,425,000

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint; $47,758,000. 47,758,000

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $197,955,000. 197,955,000

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses for the Internal Revenue Service, not otherwise provided; for executive direction and management services; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $104,687,000, of which not to exceed $1,000,000 shall remain available until expended, for research. 104,687,000

PROCESSING TAX RETURNS

For necessary expenses of the Internal Revenue Service not otherwise provided for; including processing tax returns; revenue accounting; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $982,457,000 of which not to exceed $50,000,000 shall remain available until expended for systems modernization initiatives. $982,457,000

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; employee plans and exempt organizations; tax litigation; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,353,535,000. 1,353,535,000

INVESTIGATIONS, COLLECTION, AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed four hundred and fifty-one for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 638a(a)); securing unfiled tax returns; collecting unpaid accounts; technical rulings; enforcement litigation; providing assistance to taxpayers; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,070,521,000: *Provided*, That, 1,070,521,000 notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1984 levels, or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1984 levels, including, but not limited to Internal Revenue Service toll-free telephone tax law assistance and walk-in assistance available at Internal Revenue Service field offices: *Provided further*, That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at $2,000,000. The Internal Revenue Service shall absorb within existing funds the $700,000 requested for administrative costs now being charged to the program in order that the full $2,000,000 can be devoted to program requirements.

[*Total, Internal Revenue Service, $3,511,200,000.*]

Payment Where Energy Credit Exceeds Liability for Tax

For necessary expenses to carry out the energy provisions of the Energy Tax Act of 1978 (Public Law 96-618); $100,000. 100,000

Administrative Provision—Internal Revenue Service

Sec. 1. Not to exceed 1 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation.

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed three hundred and ninety-one vehicles for police-type use shall be for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act, provided that approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations and minor construction at the James J. Rowley Secret Service Training Center, and for research and development; not to exceed $5,000 for official reception and representation expenses; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $286,500,000. $286,500,000

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SEC. 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishings of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. (a) None of the funds appropriated by this Act may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

(b) None of the funds appropriated by this Act may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 104. Not to exceed 1 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 1 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 105.[1] None of the funds appropriated by this Act or any other Act shall be used to impose or assess any tax due under subchapter D of chapter 32 of the Internal Revenue Code of 1954, as amended, sections 4161 and 4181, in all cases where less than fifty items are manufactured or produced per annum.

SEC. 106. None of the funds made available by this Act may be used to place the United States Secret Service, the United States

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[1] This section represents amendment number 24 of H.R. 5798 as approved by the Senate. The amendment was reported in "technical disagreement" by the conferees on H.R. 5798, but was enacted into law by reference in Sec. 101(j) of Public Law 98-473. See "Note" on page 247, this volume.

Customs Service, and the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.

SEC. 107.[1] (a) The Secretary of the Treasury is authorized and directed to admit free of duty any article provided by the Max Planck Institute for Radioastronomy of the Federal Republic of Germany to the joint astronomical project being undertaken by the Steward Observatory of the University of Arizona and the Max Planck Institute for the construction, installation, and operation of a sub-mm telescope in the State of Arizona: *Provided*, That such article satisfies each of the following conditions:

(1) Such article qualifies as "instruments and apparatus" under headnote 6(a) of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(2) No instruments or apparatus of equivalent scientific value for the purposes for which such article is intended to be used is being manufactured in the United States. For purposes of this condition, scientific testing equipment provided by the Max Planck Institute and necessary for aligning, calibrating, or otherwise testing an instrument or apparatus shall be considered to be part of such instrument or apparatus.

(b) The University of Arizona and/or the Max Planck Institute shall submit to the United States Customs Service and to the International Trade Administration descriptions of the articles sought to be admitted free of duty containing sufficient detail to allow the United States Customs Service to determine whether subsection (a)(1) is satisfied and the International Trade Administration to determine whether subsection (a)(2) is satisfied. The descriptions may be submitted in a single or in several submissions to each agency, as the University of Arizona and the Max Planck Institute shall deem appropriate during the course of the project. The United States Customs Service and the International Trade Administration are directed to make their respective determinations within ninety days of the date that they have received a sufficient submission with respect to an article or articles.

(c) The Secretary of the Treasury is authorized and directed to readmit free of duty any article admitted free of duty under subsection (a) and subsequently returned to the Federal Republic of Germany for repair, replacement, or modification.

(d) The Secretary of the Treasury is authorized and directed to admit free of duty any repair components for articles admitted free of duty under subsection (a).

(e) If any article admitted free of duty under subsections (a) is used for any purpose other than the joint project within five years after being entered, duty on the article shall be assessed in accordance with the procedures established in headnote 1 of schedule 8, part 4, TSUS, 19 U.S.C. section 1202 (1970); 80 Stat. 897.

(f) The provisions of subsection (a) shall apply with respect to articles entered for consumption after the day which is fifteen days after the date of enactment of this Act and before November 1, 1993.

This title may be cited as the "Treasury Department Appropriations Act, 1985".

[*Total, title I, new budget (obligational) authority, Department of the Treasury, $5,234,224,000.*]

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[1] Section 107 reflects amendment number 26 of H.R. 5798 as approved by the Senate. The amendment was reported in "technical disagreement" by the conferees on H.R. 5798, but was enacted into law by reference in Sec. 101(j) of Public Law 98-473. See "Note" on page 247, this volume.

TITLE II

POSTAL SERVICE

Payment to the Postal Service Fund

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c) and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004 and section 1724(a) of the Omnibus Budget Reconciliation Act of 1981; $1,040,509,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1985. $1,040,509,000

This title may be cited as the "Postal Service Appropriation Act, 1985".

[*Total, title II, new budget (obligational) authority, Postal Service, $1,040,509,000.*]

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President. 250,000

Office of Administration

SALARIES AND EXPENSES

For necessary expenses for the Office of Administration; $16,172,000 including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles. 16,172,000

The White House Office

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $24,985,000.

$24,985,000

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $4,601,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

4,601,000

Official Residence of the Vice President

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and not to exceed $60,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $219,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

219,000

Special Assistance to the President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, and hire of passenger vehicles; $1,663,000.

1,663,000

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $2,560,000.

2,560,000

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107, and other personal services as authorized by 3 U.S.C. 107; $3,020,000.

3,020,000

National Security Council

SALARIES AND EXPENSES

For necessary expenses for the National Security Council, including services as authorized by 5 U.S.C. 3109; $4,605,000.

4,605,000

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by

5 U.S.C. 3109; $38,500,000: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.). $38,500,000

Office of Federal Procurement Policy

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $1,615,000. 1,615,000

Unanticipated Needs

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000. 1,000,000

This title may be cited as the "Executive Office Appropriations Act, 1985".

[*Total, title III, new budget (obligational) authority, Executive Office of the President, $99,190,000.*]

TITLE IV

INDEPENDENT AGENCIES

Administrative Conference of the United States

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.); $1,468,000. 1,468,000

Advisory Commission on Intergovernmental Relations

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended, 42 U.S.C. 4271–79; $2,131,000. 2,131,000

Advisory Committee on Federal Pay

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $220,000. 220,000

Commission on Executive, Legislative, and Judicial Salaries

SALARIES AND EXPENSES

For necessary expenses of the "Commission on Executive, Legislative, and Judicial Salaries", authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642–645), $160,000, to remain available until expended. 160,000

Committee for Purchase From the Blind and Other Severely Handicapped

SALARIES AND EXPENSES

For necessary expenses for the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles; $710,000.

$710,000

Federal Election Commission

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $12,900,000, of which $1,155,000 shall be available only for expenses of moving and resulting increased rental costs.

12,900,000

General Services Administration

Federal Buildings Fund

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $2,252,221,000, of which (1) not to exceed $120,299,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

2,252,221,000 (limitation on availability)

New Construction:
California:
Long Beach, Federal Building, $20,000,000
District of Columbia:
Old Post Office, $1,750,000
Texas:
El Paso, Ysleta, Border Station, $6,893,000
Washington:
Lynden, Border Station, $2,386,000
Sumas, Border Station, $4,618,000
Construction Projects, less than $500,000, $1,000,000
Purchase:
Acquisition and Improvements of United States Postal Service Properties, $1,700,000
Other Selected Purchases including options to purchase, $81,952,000:

Provided, That each of the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1986, and remain in the Federal Buildings Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date: *Provided further,* That claims against the Government of less than $50,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $217,090,000 which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:
California:
San Francisco, Appraisers Stores, $9,711,000
Colorado:
Denver, Denver Federal Center, #20, $6,210,000
Denver, Denver Federal Center, #810, $8,590,000
District of Columbia:
Archives, $4,696,000
Auditors, $8,980,000
Blair House, $3,000,000
Health and Human Services, North Building, $1,504,000
Interior, $4,131,000
Illinois:
Chicago, 844 N. Rush Street, $1,931,000
Peoria, Federal Building and Courthouse, $1,357,000
Iowa:
Des Moines, Federal Building, $3,083,000
Sioux City, Post Office, Courthouse, $809,000
Maryland:
Suitland, Naval Intelligence #1, $8,809,000
Michigan:
Detroit, Parking Garage, $1,832,000
Lansing, Federal Building and Courthouse, $1,395,000
Missouri:
Kansas City, 1500 E. Bannister, $907,000
St. Louis, Courthouse and Customshouse, 1114 Market Street, $8,654,000
Nevada:
Las Vegas, Federal Building, $941,000
New York:
New York, 201 Varick Street, $1,508,000
Pennsylvania:
Philadelphia, 5000 Wissahikon Ave., $2,635,000
Texas:
Fort Worth, Warehouse #5, $710,000
Virginia:
Alexandria, Post Office, Courthouse, $1,370,000
Arlington, Pentagon, $4,602,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1986 and remain in the Federal Buildings Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date; (3) not to exceed $178,911,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $865,000,000 for rental of space; (5) not to exceed $694,998,000 for real property operations: *Provided further,* That none of the funds provided in this Act shall be used to move the existing Spartanburg, South Carolina Social Security Office into the Federal Building in Spartanburg, South Carolina; and (6) not to exceed $117,040,000 for program direction and centralized services; and (7) not to exceed $58,883,000 for design and construction services which shall remain available until expended: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056 as amended, shall be available from such revenues and collections: *Provided further,* That of the funds appropriated in Public Law 98-8, under the heading of "Maintaining and Protecting Public Investment Federal Buildings", $3,000,000 is authorized and may be expended for phase II, additional construction at the James J. Rowley Secret Service Training Center in Beltsville, Maryland: *Provided further,* That revenues and collections and any other sums accruing to this fund during fiscal year 1985, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $2,252,221,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

PERSONAL PROPERTY

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, property management, and other supply management activities, transportation activities, utilization of excess and disposal of surplus personal property, and the rehabilitation of personal property including services as authorized by 5 U.S.C. 3109; $161,000,000. $161,000,000

National Archives and Records Service

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and for the Information Security Oversight Office established pursuant to Executive Order 12356, directives issued pursuant thereto, and other applicable authorities, including acceptance and utilization of voluntary and uncompensated services; $98,925,000 of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended and of which $5,200,000 shall remain available until expended for necessary construction of additional onsite archival space, access facilities and auditorium and meeting space at the John F. Kennedy Library in Boston, Massachusetts. $98,925,000

Federal Property Resources Service

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property; the utilization survey, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98-98h), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166); including services as authorized by 5 U.S.C. 3109 and reimbursement for recurring security guard service; $39,128,000 of which $12,243,000 shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5), and of which $24,729,000 for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile shall remain available through fiscal year 1986. 39,128,000

National Defense Stockpile Transaction Fund

LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1985, not more than $185,000,000 in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition: *Provided*, That none of the funds appropriated by this paragraph may be used to purchase any strategic and critical materials for the National Defense Stockpile that are not mined and refined in the United States: *Provided further*, That this paragraph shall only apply to those strategic and critical materials that are currently mined and refined in the United States or which can be produced domestically at the levels and quantities required by the Federal Emergency Management Agency. *185,000,000 (limitation on availability)*

General Management and Administration

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; including transportation audits by in-house personnel; for transportation audit contracts and contract administration for which payment to any contractor shall not exceed 50 per centum on the overpayment identified by any contract audit; for providing accounting, records management, and other support incident to adjudication of Indian Tribal claims by the United States Court of Claims; and services authorized by 5 U.S.C. 3109; $137,000,000: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code. $137,000,000

Office of Information Resources Management

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; $33,393,000. 33,393,000

Office of Inspector General

For necessary expenses of the Office of Inspector General; $21,473,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment or recovery of stolen Government property. 21,473,000

Allowances and Office Staff for Former Presidents

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $1,170,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts. 1,170,000

Expenses, Presidential Transition

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note); $3,000,000. 3,000,000

[*Total, General Activities, $196,036,000.*]

GENERAL SERVICES ADMINISTRATION—

GENERAL PROVISIONS

Sec. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff) and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 4. Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 5. Funds in the Federal Buildings Fund made available for fiscal year 1985 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 6. Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing space in buildings erected by the lessor on land owned by the United States.

[*Total, General Services Administration, $495,089,000.*]

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $106,653,000 together with not to exceed $50,687,000 for administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided,* That pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000: *Provided further,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

$106,653,000
50,687,000
(limitation)

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); as amended; $1,341,553,000, to remain available until expended.

$1,341,553,000

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8384, and annuities under special Acts, to be credited to the Civil Service Retirement and Disability Fund; $4,366,868,000: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

4,366,868,000

[*Total, Office of Personnel Management, $5,815,074,000.*]

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles; $20,477,000, together with not to exceed $1,200,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board, and not more than $5,000 for advances or reimbursements to applicable funds of the Merit Systems Protection Board.

20,477,000
1,200,000
(limitation)

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 (Public Law 95–454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $4,583,000.

4,583,000

[*Total, Merit Systems Protection Board, $25,060,000.*]

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $17,197,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as

17,197,000

authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

[*Total, Federal Personnel Activities, $5,857,331,000.*]

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $22,344,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

$22,344,000

This title may be cited as the "Independent Agencies Appropriations Act, 1985".

[*Total, title IV, new budget (obligational), authority, Independent Agencies, $6,392,353,000.*]

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds is necessary to comply with a final order of the Federal court system.

SEC. 509. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing or disposal of any portion of land identified on the date of enactment of this Act as Fort DeRussy in Honolulu, Hawaii.

SEC. 510. None of the funds appropriated in this Act may be used for administrative expenses to close the Information Resources Management Office of the General Services Administration located in Sacramento, California.

SEC. 511. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 512. None of the funds made available by this Act shall be available for any activity or for paying the salary of any government employee where funding an activity or paying a salary to a government employee would result in a decision, determination, rule, regulation, or policy that would prohibit or otherwise prevent the Customs Service from enforcing section 307 of the 1930 Tariff Act.

SEC. 513. None of the funds appropriated under this Act shall be obligated or expended to implement, promulgate, administer, enforce, or reissue or revise the proposed Office of Personnel Management regulations and the proposed Federal Personnel Manual issuances published in the Federal Register on March 30, 1983, on pages 13341 through 13381, as superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on July 14, 1983, on pages 32275 through 32312, and as further superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on October 25, 1983 on pages 49462 through 49498: *Provided*, That this section shall expire on July 1, 1985.

SEC. 514. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal

Law Enforcement Training Center located at Glynco, Georgia, out of the Treasury Department.

SEC. 515. Of the total amount of budget authority provided for fiscal year 1985 by this or any other Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department, or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: *Provided*, That this section shall not apply to any agency, department, or entity whose budget request for 1985 for the purposes stated above did not amount to $5,000,000.

SEC. 516. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 602. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,000 except station wagons for which the maximum shall be $6,400: *Provided*, That these limits may be exceeded by not to exceed $2,700 for police-type vehicles, and by not to exceed $3,600 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 604. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the

United States for permanent residence, or (5) South Vietnamese, Cambodian and Laotian refugees paroled in the United States after January 1, 1975: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 605. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 606. Funds made available by this or any other Act of administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 607. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 608. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 609. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal

Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 610. No part of any appropriation contained in this or any other Act, shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Building Amendments of 1972 (Public Law 92–313) during the period beginning October 1, 1976, and ending September 30, 1985.

SEC. 613. Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than twenty-two miles per gallon. The requirements of this section may be waived by the Administrator of the General Services Administration for special purpose or special mission automobiles.

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted.

SEC. 616. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal years ending September 30, 1985, or September 30, 1986, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 616(a)(2) of H.R. 4139, incorporated by reference in section 101(f) of Public Law 98-151, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616(a)(2); and

(2) during the period consisting of the remainder, if any, of the fiscal year ending September 30, 1985, and that portion of the fiscal year ending September 30, 1986, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in the fiscal year ending September 30, 1986, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1985.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of Public Law 95-454, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to any prevailing rate employee to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate that is required by the terms of a contract entered into before the date of enactment of this Act.

(c) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the period for which subsection (a) of this section is in effect at a rate that exceeds the rate that would be payable under subsection (a) were subsection (a) applicable to such employee.

(d) For the purpose of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1984, shall be determined under regulations prescribed by the President.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1984.

(f) For the purpose of administering any provision of law, rule, or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Notwithstanding the limitations imposed on prevailing rate pay pursuant to subsection (a) of this section, such limitations shall not apply to wage adjustments for prevailing rate supervisors provided by the supervisory pay plan published in the Federal Register on March 30, 1983 (48 Fed. Reg. 13384).

(h) Notwithstanding the delay in adjustments of wage schedules and rates imposed as a part of the limitation imposed by this section, if the adjustment in General Schedule rates of pay for the fiscal year ending September 30, 1985, takes effect in October 1984, the adjustments in rates and schedules limited by this section shall take effect on the date they would have taken effect under section 5344 of title 5, United States Code, were it not for this section.

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices of the United States Customs Service.

SEC. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions, under such negotiated plans after the last day of the contracts currently in force.

SEC. 619. The provisions of section 618 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 620. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1985".

LEGISLATIVE HISTORY—H.R. 5798

HOUSE REPORTS: No. 98-830 (Comm. on Appropriations) and No. 98-993 (Comm. of Conference).
SENATE REPORT No. 98-562 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    June 7, reported in the House.
    June 27, passed House.
    July 17, reported in the Senate.
    July 25, passed Senate, amended.
    Aug. 1, House agreed to a conference with Senate.
    Sept. 6, conference report filed in the House.
    Sept. 12, House agreed to conference report.

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1985 under section 101(j) of Public Law 98-473, for programs and activities normally included in the Treasury, Postal Service, and General Government Appropriations Bill, 1985:

Grand total:	
Title I, Treasury Department	$5,234,224,000
Title II, Postal Service	1,040,509,000
Title III, Executive Office of the President	99,190,000
Title IV, Independent Agencies	6,392,353,000
Limitations	*(2,489,108,000)*
Total, new budget (obligational) authority Treasury, Postal Service and General Government Appropriations Bill, 1985	[1] $12,766,276,000

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[1] The Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 247, this volume).

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1985 provided under Sec. 101(j) of Public Law 98-473, Further Continuing Appropriations, 1985, the following additional amounts are available for the fiscal year:

Permanent appropriations:	
Federal Funds (pp. 1773 and 1777-1779)	**$183,919,269,000**
Trust Funds (pp. 1786 and 1791-1793)	53,777,230,000
Private appropriation acts (p. 1767)	Indefinite
Appropriations in legislative acts:	
Payment where credit exceeds liability for tax, Federal funds (P.L. 98-369) (p. 1926)	9,000,000
Shoalwater Bay Indian tribe settlement, Federal funds (P.L. 98-432) (p. 1926)	1,000,000
Civil service retirement and disability, trust funds (P.L. 98-369) (p. 1927)	30,000,000
Civil service retirement and disability, trust funds (P.L. 98-615) (p. 1927)	1,000,000
Advance appropriations for fiscal year 1985 made during previous sessions of Congress:	
97th Cong., 2d session:	
Corporation for Public Broadcasting (p. 342, 1982-1983 volume)	[1] 130,000,000
Second Supplemental Appropriations Act, 1984:	
Corporation for Public Broadcasting (p. 36)	20,500,000
Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985:	
Commodity Futures Trading Commission (p. 96)	27,292,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985:	
Arms Control and Disarmament Agency (p. 123)	19,468,000
Board for International Broadcasting (p. 123)	97,498,000
Commission on Civil Rights (pp. 117-118)	12,747,000
Commission on Security and Cooperation in Europe (p. 123)	550,000
Equal Employment Opportunity Commission (p. 118)	160,755,000
Federal Communications Commission (p. 107)	93,611,000
Federal Maritime Commission (p. 107)	12,292,000
Federal Trade Commission (p. 107)	64,311,000
International Trade Commission (p. 107)	24,830,000
Japan-United States Friendship Trust Fund (p. 123)	1,600,000
Legal Services Corporation (pp. 118-119)	305,000,000
Marine Mammal Commission (p. 108)	929,000
Office of the United States Trade Representative (p. 108)	13,582,000
Securities and Exchange Commission (p. 108)	105,337,000
Small Business Administration (pp. 108-109)	728,750,000
United States Information Agency (pp. 123-125)	796,356,000
Department of Defense Appropriation Bill, 1985:	
Intelligence Community Staff (p. 362)	20,797,000
CIA Retirement and Disability System Fund (p. 362)	99,300,000
Energy and Water Development Appropriation Act, 1985:	
Appalachian Regional Commission (p. 161)	2,300,000
Appalachian Regional Development Programs (p. 161)	149,000,000
Delaware River Basin Commission (p. 161)	455,000
Interstate Commission on the Potomac River Basin (p. 162)	70,000
Nuclear Regulatory Commission (p. 162)	448,200,000
Susquehanna River Basin Commission (p. 162)	397,000
Tennessee Valley Authority (pp. 162-163)	120,000,000
Department of HUD—Independent Agencies Appropriation Act, 1985:	
American Battle Monuments Commission (p. 175)	11,065,000
Consumer Products Safety Commission (p. 175)	36,000,000
Environmental Protection Agency (pp. 176-177)	4,372,775,000
Executive Office of the President (p. 177)	2,894,000
Federal Emergency Management Agency (pp. 177-178)	561,368,000
General Services Administration—Consumer Information Center (p. 178)	1,149,000
National Aeronautics and Space Administration (pp. 178-181)	7,491,400,000
National Science Foundation (pp. 181-182)	1,501,792,000
Neighborhood Reinvestment Corporation (p. 183)	15,512,000
Selective Service System (p. 183)	27,780,000
Department of the Treasury:	
Payments to State and Local Government Fiscal Assistance Trust Fund (p. 183)	4,566,700,000
Office of Revenue Sharing, salaries and expenses (p. 183)	7,941,000
Veterans Administration (pp. 183-187)	25,755,408,000

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[1] Submitted in the President's fiscal year 1985 budget (H. Doc. 98-138) under "Permanent appropriations, Federal funds" but reflected in this document as an "advance appropriation" made during the 97th Congress, 2d session.

Department of the Interior and Related Agencies Appropriations Bill, 1985:		
Advisory Council on Historic Preservation (p. 313)	$1,546,000	
Commission of Fine Arts (p. 313)	372,000	
Federal Inspector for the Alaska Pipeline (p. 314)	1,401,000	
Franklin Delano Roosevelt Memorial Commission (p. 313)	21,000	
Holocaust Memorial Council (p. 314)	1,990,000	
National Capital Planning Commission (p. 313)	2,670,000	
National Foundation on the Arts and Humanities (pp. 312–313)	324,698,000	
Navajo-Hopi Relocation Commission (p. 310)	20,321,000	
Pennsylvania Avenue Development Corporation (p. 313)	6,664,000	
Smithsonian Institution (pp. 310–311)	228,304,000	
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985:		
ACTION (p. 218)	150,164,000	
Corporation for Public Broadcasting (p. 218) $200,000,000 for fiscal year 1987	....	
Federal Mediation and Conciliation Service (pp. 218–219)	23,611,000	
Federal Mine Safety and Health Review Commission (p. 219)	3,837,000	
National Commission on Libraries and Information Science (p. 219)	720,000	
National Council on the Handicapped (p. 219)	750,000	
National Labor Relations Board (p. 219)	137,964,000	
National Mediation Board (p. 219)	6,358,000	
Occupational Safety and Health Review Commission (p. 219)	6,143,000	
Railroad Retirement Board:		
Dual benefits payments account (p. 220)	405,000,000	
Federal payment to Railroad Retirement Account (p. 220)	15,000,000	
Department of Transportation and Related Agencies Appropriation Bill, 1985:		
Architectural and Transportation Barriers Compliance Board (p. 396)	2,000,000	
National Transportation Safety Board (p. 396)	21,700,000	
Civil Aeronautics Board (p. 396)	57,600,000	
Interstate Commerce Commission (p. 397)	48,000,000	
Panama Canal Commission (p. 397)	429,846,000	
United States Railway Association (p. 397)	2,100,000	
Washington Metropolitan Area Transit Authority (p. 398)	46,175,945	
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Bureau of Government Financial Operations (pp. 404–405)	100,753	
Commission on the Ukraine Famine (p. 409)	400,000	
Environmental Protection Agency (p. 401)	13,000,000	
United States Customs Service (p. 404)	348,000	
United States Institute of Peace (p. 320)	4,000,000	
Veterans Administration (p. 401–402)	306,600,000	
Subtotal, additions		**$287,814,614,698**
Grand total, Treasury, Postal Service and General Government		**[1] 300,580,890,698**

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[1] The Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 247, this volume).

CONTINUING APPROPRIATIONS, 1985

Public Law 98-441

October 3, 1984

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for continuing projects and activities which were conducted in the fiscal year 1984, and for which provision was made in the following appropriation Acts, at the rate for operations, under the terms and conditions, and to the extent and in the manner provided for in the fiscal year 1984 unless otherwise provided for in this joint resolution:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1984;

Department of Defense Appropriation Act, 1984;

District of Columbia Appropriation Act, 1984;

Foreign Assistance and Related Programs Appropriation Act, 1984;

Department of the Interior and Related Agencies Appropriation Act, 1984;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984;

Military Construction Appropriation Act, 1984;

Department of Transportation and Related Agencies Appropriation Act, 1984; and

Treasury, Postal Service and General Government Appropriation Act, 1984.

(b) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1984, under the terms and conditions provided in applicable appropriation Acts for the fiscal year 1984, at the current rate:

Health planning activities authorized by title XV of the Public Health Service Act;

National Research Service Awards authorized by section 472(d) of the Public Health Service Act;

National Arthritis Advisory Board, National Diabetes Advisory Board, and National Digestive Diseases Advisory Board authorized by section 437 of the Public Health Service Act;

Medical Library Assistance programs authorized by title III of the Public Health Service Act;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980: *Provided,* That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980 but for the application of paragraph (2)(B) thereof;

Child abuse prevention and treatment and adoption opportunities activities authorized by the Child Abuse Prevention and Treatment Act;

Activities under the Domestic Volunteer Service Act of 1973, as amended; and

Emergency immigrant education activities authorized by section 101(g) of Public Law 98-151.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1984, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) October 3, 1984, whichever first occurs.

October 3, 1984 (expiration date)

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for the fiscal year 1985 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 106. (a) No appropriation or funds made available or authority granted to the Department of Defense pursuant to this joint resolution shall be used for new production of items not funded for production in fiscal year 1984 or prior years, for the increase in production rates above those sustained with fiscal year 1984 funds or to initiate, resume or continue any project, activity, operation or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1984.

(b) No appropriation or funds made available or authority granted to the Department of Defense pursuant to this joint resolution shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement.

Nicaraguan aid restrictions

(c) No appropriations or funds made available pursuant to this joint resolution to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual.

(d) The appropriations or funds made available or authority granted to the Department of Defense pursuant to this joint resolution for procurement of MX missiles shall be in accordance with and subject to all the limitations, restrictions, and conditions set forth in section 110 of the Department of Defense Authorization Act, 1985, as enacted by the Congress and shall be subject to the provision that no funds may be obligated for the procurement of additional operational MX missiles (excluding funds necessary for spare parts, advance procurement of parts and materials, maintenance of the contractor base and procurement related to the deployment of MX missiles funded in fiscal year 1984) until Congress enacts additional appropriation legislation after March 1, 1985 providing for the obligation of such funds.

MX missiles

(e) The appropriations or funds made available or authority granted to the Department of Defense pursuant to this joint resolution for testing of the Space Defense System (antisatellite weapon) shall be in accordance with and subject to all the limitations, restrictions and conditions set forth in section 205 of the Department of Defense Authorization Act, 1985 as enacted by the Congress.

Approved October 3, 1984.

LEGISLATIVE HISTORY—H.J. Res. 653

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 1, considered and passed House and Senate.

FURTHER CONTINUING APPROPRIATIONS, 1985

Public Law 98-453

October 5, 1984

JOINT RESOLUTION

Making further continuing appropriations for fiscal year 1985.

October 5, 1984 (expiration date)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c) of the joint resolution enacted by Congress on October 1, 1984 (H.J. Res. 653), is hereby amended by striking out "October 3, 1984" and inserting in lieu thereof "six o'clock post meridiem, eastern daylight time, October 5, 1984".

Approved October 5, 1984.

LEGISLATIVE HISTORY—H.J. Res. 656

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 4, considered and passed House and Senate.

SECOND FURTHER CONTINUING APPROPRIATIONS, 1985

Public Law 98-455

October 6, 1984

JOINT RESOLUTION

Making further continuing appropriations for fiscal year 1985.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution enacted by Congress on October 4, 1984 (H.J. Res. 656), is hereby amended by striking out "six o'clock post meridiem, eastern daylight time, October 5, 1984" and inserting in lieu thereof "October 9, 1984".

October 9, 1984 (expiration date)

Approved October 6, 1984.

LEGISLATIVE HISTORY—H.J. Res. 659

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 5, considered and passed House and Senate.

THIRD FURTHER CONTINUING APPROPRIATIONS, 1985

Public Law 98-461

October 10, 1984

JOINT RESOLUTION

Making further continuing appropriations for fiscal year 1985.

October 11, 1984 (expiration date)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of October 5, 1984 (Public Law 98-455), is hereby amended by striking out "October 9, 1984" and inserting in lieu thereof "October 11, 1984".

Federal employee furloughs

SEC. 2. (a) Federal employees furloughed as a result of the lapse of appropriations from midnight October 3, 1984, until the date of enactment of this joint resolution, will be compensated at their standard rate of compensation for the period during which there was a lapse of appropriations.

(b) All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Approved October 10, 1984.

LEGISLATIVE HISTORY—H.J. Res. 663

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 9, considered and passed House and Senate.

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1985

Public Law 98-473

98th Congress, H.J. Res. 648

October 12, 1984

[NOTE.—This joint resolution provides budget authority for nine annual appropriation bills, eight of which were not enacted into law. These nine bills are: (1) Agriculture, 1985 (H.R. 5743); (2) District of Columbia, 1985 (H.R. 5899); (3) Interior, 1985 (H.R. 5973); (4) [1]Labor—HHS, 1985 (H.R. 6028); (5) Military Construction, 1985 (H.R. 5898); (6) Foreign Assistance, 1985 (H.R. 6237); (7) Defense, 1985 (H.R. 6329); (8) Transportation, 1985 (H.R. 5921); and (9) Treasury, Postal Service, 1985 (H.R. 5798). Although budget authority for these bills is provided in this joint resolution, a separate modified bill and table VIII for each are included where they would normally appear in this volume.]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

SEC. 101. (a) Such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law.

$33,126,319,000
(Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985)

(b) Such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 98-1088), filed in the House of Representatives on September 26, 1984, as if such Act had been enacted into law.

533,343,000
2,363,128,000
(District of Columbia Appropriation Act, 1985)

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

(Interior and Related Agencies Appropriation Act, 1985)

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[1] The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1985 (H.R. 6028), was subsequently passed by the Congress, becoming Public Law 98-619, approved November 8, 1984 (see pp. 195-224, this volume).

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $393,849,000. [1]$385,972,000

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $1,228,000, to remain available until expended. [1]1,203,000

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses. [1]102,900,000

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $2,750,000, to be derived from the Land and Water Conservation Fund, to remain available until expended. [1]2,695,000

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $55,397,000, to remain available until expended: [1]54,289,000 *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

SPECIAL ACQUISITION OF LANDS AND MINERALS

For the purchase of non-Federal coal deposits and other mineral interests and rights pursuant to Public Law 97-466, $15,000,000, to remain available until expended. [1]14,700,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to fifty per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than $10,000,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses: *Provided further*, That the dollar equivalent of value, in excess of the grazing fee established under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment or other conveyance of a grazing permit or lease, or any grazing privileges or rights thereunder, and in excess of the installation and maintenance cost of grazing improvements provided for by the permittee in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management, shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): *Provided further*, That if the dollar value prescribed above is not paid to the Bureau of Land Management, the grazing permit or lease shall be canceled.

$10,000,000
(indefinite)

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

5,468,000
(indefinite)

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

100,000
(indefinite)

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau to protect, improve, develop, or manage the public lands; and that within appropriations herein provided, Bureau officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further,* That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local governments: *Provided further,* That the segregative effect of the Department of the Navy withdrawal application N 37171, covering approximately 181,323 acres of public lands in Churchill County, Nevada, shall continue until such withdrawal is acted upon by the Congress. Segregation shall not prevent compatible public land uses which would be allowed under the terms of the proposed withdrawal: *Provided further,* That no later than six months after the date of enactment of this Act, the Secretary of the Interior shall conclude a land exchange between the Oregon International Port of Coos Bay and the United States. Lands to be offered by the United States are described in Federal Register Notice, May 10, 1984. Lands to be offered by the Port are described as lots 4 through 16 inclusive, block 30, Nasburg's Addition to Marshfield, Coos County, Oregon. The Secretary is authorized to execute such instruments as may be necessary to permit the grantee to use permanently and develop for public roadway purposes, a tract of land described in Department of the Army Easement Number DACW 57-2-84-4 on Coos Bay North Jetty Road. As otherwise provided pursuant to the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, Public Law 94-579), the Secretary shall conclude the above mentioned land exchange.

[*Total, Bureau of Land Management,* [1]*$577,327,000.*]

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the Fish and Wildlife Service; for maintenance of the herd of long-horned cattle

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[1] Includes $15,568,000 in "indefinite" appropriations.

on the Wichita Mountains Wildlife Refuge, and not less than $3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $311,365,000 of which $4,000,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and, of which $4,591,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, which will remain available until expended: *Provided*, That the only critical habitat hereafter to be designated under section 4(b)(2) of the Endangered Species Act of 1973 (Public Law 93-205), as amended, for the Northern Rocky Mountain Wolf in Idaho shall be coterminous with the boundaries of the Central Idaho Wilderness Areas, as established by Public Law 96-312.

[1]$305,138,000

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $24,794,000, to remain available until expended, of which $4,100,000 shall be available for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

[1]24,298,000

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), $21,700,000, to remain available until expended.

[1]21,266,000

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,508,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That $1,500,000 for the Connecticut Coastal National Wildlife Refuge shall become available for obligation only upon enactment of authorizing legislation.

[1]63,218,000

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,760,000.

[1]5,645,000

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 206 passenger motor vehicles of which 172 are for replacement only (including 64 for police-type use); purchase of 2 new aircraft for replacement only; acceptance of one donated aircraft as an addition; not to exceed $200,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

[*Total, United States Fish and Wildlife Service, $419,565,000.*]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $418,000 for the Roosevelt Campobello International Park Commission, $500,000 for the Volunteers-in-the-Park program, not less than $3,400,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, and $350,000 for the National Capital Children's Museum and $350,000 for the Arena Stage as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)), $625,365,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided*, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further*, That $85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use. [1]$612,858,000

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $11,338,000. [1]11,111,000

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $26,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1986. [1]25,480,000

VISITOR FACILITIES FUND

For grants to the National Park Foundation for reconstruction, rehabilitation, replacement, improvement, relocation, or removal of visitor facilities within the National Park System, and related expenses, as authorized by Public Law 97-433, $6,000,000 to remain available for obligation until September 30, 1989, to be derived from the National Park System Visitor Facilities Fund. [1]5,880,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $113,716,000, to remain available until expended, including $1,500,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290, $38,000 for a grant to the French Camp Academy: *Provided further*, That for payment of obligations incurred for engineering services, road and bridge access, and twin main tunnel bore work for the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $28,000,000, to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

[1] $111,442,000

28,000,000 (liquidation of contract authority)

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $150,220,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $75,000,000 is for the State Assistance program including $1,681,000 to administer the program: *Provided*, That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: *Provided further*, That none of the State Assistance funds may be used as a contingency fund: *Provided further*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $318,000 shall be available in 1985 for administrative expenses of the State grant program.

[1] 147,216,000

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,621,000.

[1] 4,529,000

NATIONAL CAPITAL REGION ARTS AND CULTURAL AFFAIRS

For the fiscal year ending September 30, 1986, for a program to support artistic and cultural programs in the National Capital region, $5,000,000, to remain available until expended: *Provided*, That there is hereby established under the direction of the National Park Service a program to support and enhance artistic and cultural activities in the National Capital region. Eligibility for grants shall be limited to organizations of demonstrated national significance which meet at least two of the additional following criteria:

(1) an annual operating budget in excess of $1,000,000;
(2) an annual audience or visitation of at least 200,000 people;
(3) a paid staff of at least one hundred persons; or
(4) eligibility under the Historic Sites Act of 1935 (16 U.S.C. 462(e)).

[1] 4,900,000 *(FY 1986)*

Public or private colleges and universities are not eligible for grants under this program.

Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of $500,000 in a single year.

The Director of the National Park Service shall establish an application process, appoint a review panel of five qualified persons, at least a majority of whom reside in the National Capital region, and develop other program guidelines and definitions as required.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

The contractual amounts required for the support of Ford's Theater and Wolf Trap Farm Park for the Performing Arts shall be available within the amount herein provided without regard to any other provisions of this section.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000. [1] $245,000

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

For the establishment and operation of the Jefferson National Expansion Memorial Commission, $75,000. [1] 73,000

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 aircraft for replacement only, 202 passenger motor vehicles of which 163 shall be for replacement only, including not to exceed 106 for police-type use and 4 buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further,* That notwithstanding the requirements of section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(e)), the properties which were the subject to grant assistance from the Land and Water Conservation Fund and transferred by the city of Boise, Idaho, to the Bureau of Land Management for subsequent transfer to the Peregrine Fund shall be replaced, at no cost, with land administered by the Bureau of Land Management: *Provided further,* That such replacement land shall be provided in accordance with the existing statewide comprehensive outdoor recreation plan, be of at least equal fair market value, and of reasonably equivalent usefulness and location.

[*Total, National Park Service*	*$923,734,000.*]
[*Fiscal year 1985*	*918,834,000.*]
[*Fiscal year 1986*	*4,900,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $420,664,000: [1] $412,251,000 *Provided*, That $52,066,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 12 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed 8 passenger motor vehicles for replacement only; $166,818,000 of which not less than $39,890,000 [1] 163,482,000 shall be available for royalty management activities including general administration: *Provided*, That of the funds appropriated for the Minerals Management Service, $50,000 shall be available for administrative, travel, communications, per diem, and other necessary expenses incurred by a nonprofit inter-industry organization in conducting meetings and workshops related to Outer Continental Shelf activities off Alaska.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, **$138,734,000, of which $81,836,000 shall remain available until expended, together with $1,667,000 to be derived from the amount appropriated in Public Law 97-257 to carry out the purposes of section 2(b) of Public Law 96-543.**

[1] $135,959,000

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, $76,625,000, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement.

[1] 75,092,000

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, $303,001,000 to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 percent: *Provided further,* That none of these funds shall be used to increase over the fiscal year 1984 level a reclamation grant to any State which has no active program to review regulatory permits for those individuals who have outstanding fines or penalties related to past coal mining violations.

[1] 296,941,000

[*Total, Office of Surface Mining Reclamation and Enforcement, $372,033,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $895,834,000, of which not to [1] $877,916,000 exceed $55,706,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1986, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1986: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $2,830,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)): *Provided further,* That hereafter, funds appropriated under this or any other Act for the Bureau of Indian Affairs may be used for the payment in advance or from date or admission of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; and the payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights use areas: *Provided further,* That hereafter moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into the appropriation account available for the operation of Bureau schools during the period covered by the grant and shall remain available as otherwise provided by law: *Provided further,* That hereafter any cost of providing lunches to nonboarding students in public schools from funds appropriated under this or any other Act for the Bureau of Indian Affairs shall be paid from the amount of such funds otherwise allocated for the schools involved without regard to the cost of providing lunches for such students: *Provided further,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress: *Provided further,* That after September 30, 1985, no part of any appropriation (except trust funds) to the Bureau of Indian Affairs may be used directly or by contract for general or other welfare assistance (except child welfare assistance) payments (1) for other than essential needs (specifically identified in regulations of the Secretary or in regulations of the State public welfare agency pursuant to the Social Security Act adopted by reference in the Secretary's regulations) which could not be reasonably expected to be met from financial resources or income (including funds held in trust) available to the recipient individual which are not exempted under law from consideration in determining eligibility for or the amount of Federal financial assistance or (2) for individuals who are eligible for general public welfare assistance available from a State except to the extent the Secretary of the Interior determines that such payments are required under sections 6(b)(2), 6(i), and 9(b) of the Maine Indian Claims Settlement Act of 1980 (94 Stat. 1793, 1794, 1796; 25 U.S.C..1725(b)(2), 1725(i), 1728(b)): *Provided further*, That for the fiscal year ending September 30, 1985, the Secretary may not contract for the establishment or operation of a school not currently operated by the Bureau or assisted by the Bureau under contract.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, $109,686,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation. [1]$107,492,000

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $6,000,000, to remain available until expended: *Provided*, That not to exceed 5 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs. [1]5,880,000

UTAH PAIUTE TRUST FUND

For deposit into the Economic Development and Tribal Government Fund established pursuant to Public Law 98-219, to be held in trust for the benefit of the Utah Paiute Tribe pursuant to that law, $2,500,000. [1]2,450,000

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $4,000,000 from tribal funds not otherwise available for expenditure and in addition hereafter tribal funds may be advanced to Indian tribes during each fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary including: expenditures for the benefit of Indians and Indian tribes; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, committees, and employees thereof, or other tribal organizations, including mileage

4,000,000 *(definite)*
60,000,000 *(indefinite)*

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; and relief of Indians, including cash grants.

[*Total, Tribal Trust Funds,* [1] *$64,000,000.*]

REVOLVING FUND FOR LOANS

During fiscal year 1985, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed $18,600,000.

$18,600,000 (limitation on direct loans)

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1985, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; purchase of not to exceed 275 passenger carrying motor vehicles of which 225 shall be for replacement only, and hereafter such appropriations under this or any other act shall be available for: the expenses of exhibits; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), the Act of August 3, 1956 (70 Stat. 896), as amended (25 U.S.C. 309 et seq.), and legislation terminating Federal supervision over certain tribes; and expenses required by continuing or permanent treaty provision: *Provided,* That hereafter passenger carrying motor vehicles of the Bureau may be used for the transportation of Indians: *Provided further,* That hereafter no part of any appropriations to the Bureau of Indian Affairs under this or any other Act shall be available to continue academic and residential programs of the Chilocco, Seneca, Concho, and Fort Sill boarding schools, Oklahoma; Mount Edgecumbe boarding school, Alaska; Intermountain boarding school, Utah; and Stewart boarding school, Nevada: *Provided further,* That hereafter no part of any appropriation to the Bureau of Indian Affairs under this or any other act shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees: *Provided further,* That notwithstanding any other provision of law, within sixty days of enactment of this Act, the Secretary of the Interior shall employ in the Flathead Irrigation and Power Project of the Bureau of Indian Affairs twenty-eight employees of the Joint Board of Control of the Flathead, Mission, and Jocko Valley Irrigation Districts at appropriate rates of pay which shall not be less than their rates of pay as of September 27, 1984: *Provided further,* That none of the funds contained in this Act may be used to implement the provisions of sections 501 through 512 of title V of S. 2496 as agreed to by the Senate on October 3, 1984 (legislative day of September 24, 1984).

[*Total, Bureau of Indian Affairs,* [1] *$1,057,738,000.*]

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[1] Includes $60,000,000 in "indefinite" appropriations.

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, $76,554,000, [1]$75,557,000 of which (1) not to exceed $73,826,000 shall be available until expended for technical assistance; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to the Government of the Virgin Islands as authorized by law (Public Law 98-213); construction grants to Guam of $5,725,000; direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272, and Public Law 96-205, 94 Stat. 86); and (2) not to exceed $2,728,000 for fiscal year 1985 salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That moneys heretofore appropriated by Public Law 97-394 and Public Law 98-146, or hereinafter appropriated for a direct grant or grants to the Northern Mariana Islands for the purpose of building health care facilities, as authorized by section 202 of Public Law 96-205, were and shall be transferred directly to the Northern Mariana Islands without regard to, limitation of, or restriction under laws, regulations, Office of Management and Budget circulars, or policy directives, except in the discretion of the Secretary of the Interior.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $100,811,000, of which [1]98,795,000 $79,311,000 is for operations, and $21,500,000 is for construction, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

[*Total, Territorial and International Affairs, $174,352,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, $45,544,000, of which not to exceed $10,000 may be for official reception and representation expenses. [1]$44,633,000

OFFICE OF THE SOLICITOR

For necessary expenses of the Office of the Solicitor, $20,548,000. [1]20,137,000

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $17,253,000. [1]16,908,000

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $750,000. [1]735,000

OFFICE OF THE SECRETARY

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the United States Fish and Wildlife Service as authorized by law, $2,000,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704). [1]1,960,000

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 10 additional aircraft, 4 of which shall be for replacement only: *Provided,* That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

[*Total, Departmental Offices, $84,373,000.*]

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That funds transferred pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided*, That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of lands within the Department of the Interior Central and Northern California Planning Area which lie north of the line between the row of blocks numbered N816 and the row of blocks numbered N817 of the Universal Transverse Mercator Grid System.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer

Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided*, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce, on the date of enactment of this Act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude (Map No. MMS–10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

SEC. 109. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 110. Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the lease sale of tracts in Lease Sale numbered 80 within the following areas:

(1) an area of the Department of the Interior Southern California Planning Area bounded by the following line on the California (Lambert) Plane Coordinate System: From the point of intersection of the international boundary line between the United States and Mexico and the seaward boundary of the California State Tidelands west along said international boundary line to the point of intersection with the line between the row of blocks numbered 28 west and the row of blocks numbered 27 west; thence north to the northeast corner of block 20 north, 28 west; thence northwest to the southwest corner of block 29 north, 35 west; thence north along the line between the row of blocks numbered 36 west and the row of blocks numbered 35 west to its intersection with the seaward boundary of the California State Tidelands; thence easterly along the seaward boundary of the California State Tidelands to the point of beginning;

(2) a portion of the Department of the Interior Southern California Planning Area which lies both: (a) east of the line between the row of blocks numbered 53 west and the row of blocks numbered 52 west, and (b) north of the line between the row of blocks numbered 34 north and the row of blocks numbered 35 north, on the California (Lambert) Plane Coordinate System;

(3) the boundaries of the Channel Island National Marine Sanctuary, as defined by title 15, part 935.3 of the Code of Federal Regulations; and

(4) the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by the Department of the Interior, Bureau of Land Management Public Land Order numbered 4587 (vol. 34, page 5655 Federal Register March 26, 1969).

This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which is restricted to scientific exploration or other scientific activities, or other preleasing activities necessary up to the point of sale.

SEC. 112. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 113. Notwithstanding the provisions of Public Law 98-8, the deadline for outlaying Federal funds provided in that Act under the headings "Repairing and Restoring Parks and Recreational Facilities," "Historic Preservation Fund," and "Land and Water Conservation Fund" is extended to March 1, 1985.

[*Total, title I, Department of the Interior:*	
[*New budget (obligational) authority*	[1]*$4,320,814,000.*]
[*Appropriations, fiscal year 1985*	*4,315,914,000.*]
[*Appropriations, fiscal year 1986*	*4,900,000.*]
[*Liquidation of contract authority*	*28,000,000.*]
[*Limitation on direct loans*	*18,600,000.*]

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $123,433,000, of which $8,000,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95-307. [2]$120,964,000

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $59,505,000, to remain available for obligation until expended, to carry out activities authorized in Public Law 95-313: *Provided*, That a grant of $3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further*, That not less than $35,000 in pest suppression funds shall be provided for suppression of oak wilt in the State of Texas: *Provided further*, That $325,000 shall be made available to the Disabled Veterans Recreation, Inc., for construction of and other improvements to the Disabled Veterans Wilderness Retreat in Ely, Minnesota, for purposes authorized by section 18(d) of Public Law 95-495. [2]58,315,000

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", and not less than $3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $1,067,020,000 of which $151,095,000, for reforestation and timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1986. [2]1,045,680,000

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[1] Includes $75,568,000 in "indefinite" appropriations.

[2] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise pro-
vided for, for construction, $268,635,000, of which $226,290,000 shall [1] $263,262,000
be derived by transfer from the unused funds for timber purchaser −226,290,000
road credits previously appropriated under the heading "Forest *(purchaser*
Roads" in Public Law 94-373, Public Law 95-74, and Public Law *credit*
95-465 and under the heading "Construction and Land Acquisition" *transfer)*
in Public Law 96-196 and Public Law 96-514, to remain available
until expended, of which $26,922,000 is for construction and acquisi-
tion of buildings and other facilities; and $241,713,000 is for
construction of forest roads and trails by the Forest Service as
authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided,* [2] *−90,095,000*
That funds becoming available in fiscal year 1985 under the Act of *(indefinite)*
March 4, 1913 (16 U.S.C. 501), shall be transferred to the General
Fund of the Treasury of the United States: *Provided further,* That
no more than $196,226,000, to remain available without fiscal year [3] *192,301,000*
limitation, shall be obligated for the construction of forest roads by *(indefinite)*
timber purchasers.

[*Total, Construction:*

[*New budget (obligational) authority (net)* .... *$36,972,000.*]

[*Timber receipts and credits (indefinite) (net)* ..... *102,206,000.*]

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,493,000, to be derived [1] 43,603,000 from the Land and Water Conservation Fund, to remain available until expended: *Provided,* That $2,000,000 shall be available for the acquisition of oil, gas, and other mineral interests in the Allegheny National Forest: *Provided further,* That such funds shall be available for obligation only to the extent that the Secretary of Agriculture deems necessary to carry out the purposes of the Pennsylvania Wilderness Act of 1984.

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $782,000, to be derived from forest receipts. [1] 766,000

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school authorities 20,000
pursuant to that Act, to remain available until expended. *(indefinite)*

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, 50 per centum of 3,665,000
all moneys received during the prior fiscal year, as fees for grazing *(indefinite)*
domestic livestock on lands in National Forests in the sixteen Western States, to remain available until expended.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.
[2] Fiscal year 1985 Timber receipts transferred to general fund of the Treasury.
[3] Timber purchaser credits.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000, to remain available until expended, to be derived from the fund established pursuant to 16 U.S.C. 1643(b). [1]$88,000

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 179 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 163 shall be for replacement only, acquisition of 184 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 45 aircraft from excess sources; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the United States Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); and (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offset future fees owed to the Forest Service.

Current permit holders who acquired their recreational residence permit after the next to last fee adjustment shall have their annual permit fee computed as if they had their permit prior to the next to last fee adjustment, except that no permittee shall receive an unearned credit.

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research and technical information and assistance in foreign countries.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any delegations of authority provided for in the regulations of the Department of Agriculture or in the Forest Service manual, the Chief of the Forest Service shall, personally and without aid of mechanical devices or persons acting on his behalf, execute (1) all deeds conveying federally owned land which exceeds $250,000 in value, (2) all acceptances of options on lands to be acquired which exceed $250,000 in value, (3) all recommendations that condemnation be initiated, (4) all letters accepting donations of land, (5) all decisions on appeals of decisions related to land transactions made by regional foresters, and (6) land related transmittals to the House or Senate Committees on Appropriations, including all proposals for congressional action such as the acquisition of lands in excess of the approved appraised value, condemnation actions, and other items covered in reprogramming guidelines.

Not to exceed $900,000 shall be available from National Forest System appropriations or permanent appropriations for the specific purpose of removing slash and cull logs from the Bull Run, Oregon, watershed to preserve water quality and reduce fire hazards.

[*Total, Department of Agriculture (net),* [1]*$1,310,073,000.*]

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126) and subsequently made available to carry out title I, part B of the Energy Security Act (Public Law 96-294) by Public Laws 96-304 and 96-514, $5,375,000,000 are rescinded: *Provided,* That of the remaining funds in the Energy Security Reserve for carrying out title I, part B of the Energy Security Act, the amount of $5,700,000,000 shall be initially available only for obligation to projects with Letters of Intent authorized by the Board of Directors of the United States Synthetic Fuels Corporation on or before June 1, 1984; and, if by reason of Board determinations that the Corporation will not enter into financial assistance contracts with projects for which such Letters were authorized, or that lesser amounts of financial assistance than those specified in such authorizations shall be awarded, there remains a balance of such amount which is unobligated and uncommitted, 50 percent of said balance shall cease to be available for obligation and the remaining 50 percent of said balance shall thereafter be available for commitment or obligation by the Corporation pursuant to the Energy Security Act: *Provided further,* That until such time as the comprehensive strategy is approved pursuant to section 126(c) of the Energy Security Act, the Board of Directors shall solicit propos-

−$5,375,000,000
(rescission)

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[1] Includes $3,685,000 in "indefinite" appropriations.

als and award financial assistance pursuant to applicable sections of the Energy Security Act without regard to the national synthetic fuel production goal established under section 125 of the Act: *Provided further,* That of the $5,375,000,000 rescinded from the Energy Security Reserve, $750,000,000 shall be deposited and retained in a separate account hereby established in the Treasury of the United States, entitled the "Clean Coal Technology Reserve," which account and the appropriations therefor, shall be available for the purpose of conducting cost-shared clean coal technology projects for the construction and operation of facilities to demonstrate the feasibility for future commercial application of such technology, including those identified in section 320 of the fiscal year 1985 Department of the Interior and Related Agencies Appropriations Act, as reported by the Senate Committee on Appropriations (H.R. 5973, Senate Report 98-578), without fiscal year limitation, subject to subsequent annual appropriation in the Department of the Interior and Related Agencies Appropriations Act.

Section 117 of the United States Synthetic Fuels Corporation Act of 1980 is amended by adding at the end thereof the following new subsection:

"(f) Subject to section 118, Directors, officers, and employees of the Corporation shall be subject to the same standards of ethical conduct and financial reporting as are set forth in Executive Order 11222. The Chairman shall promptly implement such standards.".

Section 168 of the United States Synthetic Fuels Corporation Act of 1980 is amended by—

(1) Redesignating section 168 as subsection 168(a); and

(2) Inserting at the end thereof the following new subsection:

"(b) An aggrieved person may bring action in the district courts of the United States to enforce, and secure compliance with, the policies and guidelines of the Corporation implementing the requirements of subsections 121 (a) and (b) for public disclosure of information and the requirements of subsection 116(f) for meetings of the Board of Directors to be open to the public and preceded by reasonable public notice.".

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $280,558,000, to remain available until expended, and $39,196,000 to be derived by transfer from unobligated balances in the "fossil energy construction" account, $5,800,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", $2,500,000 to be derived by transfer from unobligated prior year balances in the energy production, demonstration, and distribution account, and $3,000,000 is to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the Energy Security Reserve established by Public Law 96-126: *Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That

[1]$274,947,000

50,496,000
(by transfer)

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

$7,500,000 of the sum provided under this heading shall be available for demonstration of the Kilngas coal gasification process, with the provision that the United States Treasury shall be repaid up to double the total Federal expenditure for such process from proceeds to the participants from the commercial sale, lease, manufacture, or use of such process.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 2 passenger motor vehicles, $160,076,000 to remain available until expended. [1]$156,874,000

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $467,969,000 to remain available until expended: *Provided,* That for the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366), each State will hereafter match in cash or in kind not less than 20 percent of the Federal contribution: *Provided further,* That these funds may be used for grants to the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs, 42 U.S.C. 6321-6327) and under the National Energy Extension Service Act (42 U.S.C. 7001-7011): *Provided further,* That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, $16,000,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable. [1]458,610,000

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $25,247,000. [1]24,742,000

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,220,000. [1]6,096,000

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is $2,049,550,000, in addition to authority provided in fiscal years 1982, 1983, and 1984, to remain available until expended: *Provided,* That the minimum required fill rate during fiscal year 1985 shall be not less than 159,000 barrels per day. *2,049,550,000 (off-budget)*

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $61,657,000. [1]60,424,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That (1) revenues received from the sale of any products produced in facilities other than demonstration plants operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts; and (2) revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with demonstration plant projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435), with respect to such contracts or agreements for or related to such projects: *Provided*, That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804 shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period. The notification required herein shall be in lieu of the notification requirements of Public Law 85-804.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen needs from any funds available to the Department of Energy from this Act.

[*Total, Department of Energy, $981,693,000.*]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $809,927,000: *Provided*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1986. Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1986, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Act, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 757 of the Public Health Service Act shall remain available for expenditure until September 30, 1986.

[1]$793,728,000

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $62,892,000, to remain available until expended.

[1]61,634,000

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the IHS to implement such a policy: *Provided further*, That hereafter the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and workman's compensation claims except as otherwise limited by the fourth proviso of this section: *Provided further*, That hereafter, notwithstanding any other law, an Indian tribe may acquire and expend funds, other than funds appropriated to the Service, for major renovation and modernization, including planning and design for such renovation and modernization of Service facilities, including facilities operated pursuant to contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) subject to the following conditions:

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

(1) the implementation of such project shall not require or obligate the Service to provide any additional staff or equipment;

(2) the project shall be subject to the approval of the Area Director of the Service area office involved;

(3) the tribe shall have full authority to administer the project, but shall do so in accordance with applicable rules and regulations of the Secretary governing construction or renovation of Service health facilities; and

(4) no project of renovation or modernization shall be authorized herein if it would require the diversion of Service funds from meeting the needs of projects having a higher priority on the current health facilities priority system.

[*Total, Department of Health and Human Services, $855,362,000.*]

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, part A ($51,350,000) and parts B and C ($15,000,000) of the Indian Education Act, and the General Education Provisions Act, $68,780,000. [1]$67,404,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

OTHER RELATED AGENCIES

Navajo and Hopi Indian Relocation Commission

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $20,736,000, to remain available until expended, for operating expenses of the Commission: *Provided*, That July 7, 1985, is hereby established as the deadline for receipt of applications for voluntary relocation.

[1]$20,321,000

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $165,730,000 including not less than $789,000 to carry out the provisions of the National Museum Act, $350,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and $350,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation.

[1]162,415,000

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $9,000,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further*, That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

[1]8,820,000

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,950,000 to remain available until expended.

[1]4,851,000

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $13,750,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That notwithstanding any other provisions of law, the Secretary of the Smithsonian Institution is authorized to transfer to the county of Santa Cruz, Arizona, a sum not to exceed $100,000 within available funds for the sole purpose of assisting in the funding of the construction of a permanent access to the Whipple Observatory near Amado, Arizona.

[1]$13,475,000

NATIONAL GALLERY OF ART, SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $36,821,000, of which $3,200,000 for the repair, renovation, and restoration program of the original West Building shall remain available until expended and of which $3,992,000 for the special exhibition program (of which $2,000,000 is for the Treasure Houses of Britain exhibition) shall remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[1]36,085,000

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $2,712,000.

[1]2,658,000

[*Total, Smithsonian Institution, $228,304,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $137,000,000 of which $121,100,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $15,900,000 shall be available for administering the functions of the Act. [1] $134,260,000

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,000,000 to remain available until September 30, 1986, to the National Endowment for the Arts, of which $21,000,000 shall be available for purposes of section 5(1): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal year for which equal amounts have not previously been appropriated. [1] 29,400,000

[*Total, National Endowment for the Arts, $163,660,000.*]

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $111,325,000 of which $97,150,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $14,175,000 shall be available for administering the functions of the Act. [1] 109,098,000

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $31,000,000, to remain available until September 30, 1986, of which $20,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated. [1] 30,380,000

[*Total, National Endowment for the Humanities, $139,478,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $22,000,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions. [1] $21,560,000

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

[*Total, National Foundation on the Arts and Humanities, $324,698,000.*]

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $380,000. [1]372,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,578,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions. [1] 1,546,000

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $2,725,000. [1] 2,670,000

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $21,000 to remain available for obligation until September 30, 1986. 21,000

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,300,000 for operating and administrative expenses of the Corporation. [1] 2,254,000

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $4,500,000 to remain available for obligation until expended. [1] 4,410,000

[*Total, Pennsylvania Avenue Development Corporation, $6,664,000.*]

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $1,430,000, of which not to exceed $1,000 may be used for official reception and representation expenses. [1] $1,401,000

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, $2,031,000. [1] 1,990,000

[*Total, title II, Related Agencies:*

[*New budget (obligational) authority (net)* . [2]	*-$1,572,481,000.*]
[*Rescission*	*-5,375,000,000.*]
[*Timber receipts transfer to general fund, indefinite*	*-90,095,000.*]
[*Timber purchaser credits*	*192,301,000.*]
[*By transfer*	*50,496,000.*]
[*Off-budget, SPR petroleum account*	*2,049,550,000.*]

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

[2] Includes $3,685,000 in "indefinite" appropriations.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 307. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 308. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 309. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 310. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and this basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 311. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 312. Funds provided for land acquisition in this Act may not be used to acquire lands for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, without the written approval of the Committees on Appropriations.

SEC. 313. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution, are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdiction for fire management services listed above which are previously executed shall remain valid.

SEC. 314. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

Sec. 315. Funds available to the Department of the Interior and the Forest Service in fiscal year 1985 for the purpose of contracting for services that require the utilization of privately owned aircraft for the carriage of cargo or freight shall be used only to contract for aircraft that are certified as air-worthy by the Administrator of the Federal Aviation Administration as standard category aircraft under 14 CFR 21.183 unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services.

SEC. 316. None of the funds provided in this Act may be used for the augmentation of grizzly bear populations in currently occupied areas of Forest Service grizzly bear habitat or the preparation of specific augmentation proposals to establish new grizzly bear populations in areas identified as suitable grizzly bear habitat in any unit of the National Park System or National Forest System unless the appropriate General Management Plan or Forest Plan provides for such augmentation and has been adopted, including having been available for public comment and review: *Provided,* That such activities may be conducted only with funds specifically justified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: *Provided further,* That this is not intended to prohibit the emergency relocation of nuisance bears into currently occupied areas of congressionally designated wilderness areas within Forest Service boundaries, or into other currently occupied situation on areas where conflict between bears and humans is not likely to occur: *Provided further,* That the Secretaries of Interior and Agriculture shall provide for a public meeting at each affected National Forest and National Park Headquarters and the subsequent publication of the "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area" in the Federal Register, reflecting the public comments: *Provided further,* That notwithstanding any other provision of law, agencies included in this Act are authorized to reimburse permittees for such reasonable expenses as may be incurred as a result of moving permitted animals from one location to another, as may be required by the permitting agency, in order to prevent harassment and attacks by grizzly bears. Such expenses are to be determined by the agency responsible for the permitted action.

SEC. 317. The Administrator of the General Services Administration shall transfer to the Secretary of the Interior, without reimbursement, for inclusion in the War in the Pacific National Historical Park the following parcels of land:

(1) Agat Bay, parcel 2, United States Naval Station, Guam (GSA control number 9-N-GU-426); and

(2) GLUP: Nimitz Hill, parcel 3, Nimitz Hill Annex Area "C", Municipality of Asan, Guam (GSA control number 9-N-GU-415).

SEC. 318. The Secretary of the Interior shall quantify, in cooperation with the Secretary of Agriculture and the Governor of North Dakota, and consistent with an agreement to be negotiated between the Secretary of the Interior and the Governor of North Dakota, the number of wetland acres, including a description by quarter section, subject to waterfowl production area easements in each county; and the Secretary and the Governor shall develop a plan for the purchase of additional easement acres previously authorized by the Governor.

SEC. 319. The primary term of any geothermal lease in effect as of July 27, 1984, issued pursuant to the Geothermal Act of 1970 (Public Law 91-581, 84 Stat. 1566, 30 U.S.C. 1001-1025) is hereby extended to December 31, 1986, if the Secretary of the Interior finds that—

(a) a bona fide sale of the geothermal resource, from a well capable of production, for delivery to or utilization by a facility or facilities, has not been completed (1) due to administrative delays by government entities, beyond the control of the lessee, or (2) such sale would be uneconomic;

(b) substantial investment in the development of or for the benefit of the lease has been made; and

(c) the lease would otherwise expire prior to December 31, 1986.

Notwithstanding any other provision of law, the Secretary shall not issue any geothermal lease pursuant to the Geothermal Steam Act of 1970 (Public Law 91-581, as amended) in the Island Park Known as Geothermal Resource Area adjacent to Yellowstone National Park.

SEC. 320. Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency: *Provided*, That for the fiscal year ending September 30, 1985, and each fiscal year thereafter, such amounts as may be collected may be expended in the agency unit or subunit (e.g. Park, refuge, hatchery, Forest, Agency office, School, Service unit, hospital, clinic, etc.) where the funds are collected: *Provided further*, That up to 10 per centum of funds collected in such unit may be transferred to another unit within the same agency.

SEC. 321. The Secretary of Energy pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), shall—

(1) no later than sixty days after the date of the enactment of this Act, publish in the Federal Register a notice soliciting statements of interest in, and proposals for projects employing emerging clean coal technologies, which statements and proposals are to be submitted to the Secretary within ninety days after the publication of such notice; and

(2) no later than April 15, 1985, submit to Congress a report that analyzes the information contained in such statements of interest and proposals, assesses the potential usefulness of each emerging clean coal technology for which a statement of interest or proposal has been received, and identifies the extent to which Federal incentives, including financial assistance, will accelerate the commercial availability of these technologies.

SEC. 322. Section 5542(b)(2)(B)(iv) of title 5, United States Code, is amended by inserting immediately before the period at the end thereof a comma and the following: "including travel by an employee to such an event and the return of such employee from such event to his or her official-duty station".

SEC. 323. It is the sense of the Congress that the Continental Scientific Drilling Program is an important national scientific endeavor, benefiting the commerce of the Nation, which should be vigorously pursued by Government and the private sector. The Continental Scientific Drilling Program is an important national scientific endeavor that is vital to the understanding of the geologic evolution of the Earth and the economic value of its resources; the most effective and efficient means of realizing the fullest potential in the Continental Scientific Drilling Program is through a cooperative effort by the Department of Energy, the National Science Foundation, and the United States Geological Survey; many important commercial and scientific advances may result from the Continental Scientific Drilling Program; and many foreign nations are engaged in a comparable deep drilling program, and cooperation and coordination would be beneficial to United States efforts. It is the sense of the Congress that—

(1) the Continental Scientific Drilling Program is an important national scientific endeavor by the United States which should be enthusiastically implemented through a joint cooperative effort among the United States Department of Energy, the National Science Foundation, and the United States Geological Survey;

(2) the private sector should be encouraged to support the Continental Scientific Drilling Program and the participating agencies should solicit appropriate private sector participation in such program; and

(3) the United States Government should cooperate to the extent practicable with the international community in developing this important scientific and technical activity.

SEC. 324. Notwithstanding any other provision of this joint resolution or any other law, section 401(c)(1) of Public Law 95-87 is amended by striking the word "and" after the words "in situ;" and adding the following after the word "subsidence;": "and establishment of self-sustaining, individual State administered programs to insure private property against damages caused by land subsidence resulting from underground coal mining in those States which have reclamation plans approved in accordance with section 503 of this Act: *Provided*, That funds used for this purpose shall not exceed $3,000,000 of the funds made available to any State under section 402(g)(2) of this Act;".

SEC. 325. None of the funds provided for in this joint resolution or hereafter provided shall be used to lease the mineral interest of the United States with respect to a tract of land in Payne County, Oklahoma, totalling nine hundred sixty acres located on the Indian Base Meridian; township 19 north; range 1 east, section 22 west half; section 26 northwest quarter; section 27 north half, southeast quarter; unless such lease prohibits the surface occupancy of the land for development of those interests.

SEC. 326. The land acquisition and relocation authorized for Centralia, Pennsylvania, under chapter IV of Public Law 98-181 shall not require any matching share of funding from the State of Pennsylvania under Section 407(e) of the "Surface Mining Control and Reclamation Act of 1977".

SEC. 327. Each amount of budget authority provided in this Act, for payments not required by law, is hereby reduced by 2 per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1985".

[*Total, Department of the Interior and Related Agencies Appropriations, 1985:*

[*New budget (obligational) authority (net)*	[1,2]*$2,748,333,000.*]
[*Appropriations, 1985 (net)*	[1,2]*8,118,433,000.*]
[*Appropriations, 1986*	*4,900,000.*]
[*Rescission*	*−5,375,000,000.*]
[*Liquidation of contract authority*	*28,000,000.*]
[*Limitation on direct loans*	*18,600,000.*]
[*Timber receipts transfer to general fund, indefinite*	*−90,095,000.*]
[*Timber purchaser credits*	*192,301,000.*]
[*By transfer*	*50,496,000.*]
[*Off-budget, SPR petroleum account*	*2,049,550,000.*]

The following may be cited as "The John F. Kennedy Center Act Amendments of 1984".

(Kennedy Center authorization)

Section 9 of the Kennedy Center Act (20 U.S.C. 76o) is amended—

(1) by inserting "(a)" immediately after "SEC. 9.", and by striking out the third, fourth, and seventh sentences thereof; and

(2) by adding at the end thereof the following new subsections:

"(b) Effective as of the date of enactment of this subsection the obligations of the Board incurred under subsection (a) of this section shall bear no interest, and the requirement of the Board to pay the unpaid interest which has accrued on such obligations is terminated.

"(c) There is hereby established in the Treasury of the United States a sinking fund, the Kennedy Center Revenue Bond Sinking Fund (hereinafter referred to as the 'Fund'), which shall be used to

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[1] Extended figures and subtotals reflect 2 percent reduction provided in section 327 of this act.

[2] Includes $79,253,000 in "indefinite" appropriations.

retire the obligations of the Board incurred under subsection (a) of this section upon the respective maturities of such obligations. The Board shall pay into the Fund, beginning on January 1, 1987 and ending on January 1, 2016, the annual sum of $200,000 in amortization of the principal amount of the obligations. Such sums shall be invested by the Secretary of the Treasury in public debt securities with maturities suitable for the needs of the Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to and form a part of the Fund. Moneys in the Fund shall be used exclusively to retire the obligations of the Board incurred under subsection (a) of this section. Adjustments of not greater than plus or minus 5 per centum may be made from time to time in the annual payments to the Fund in order to correct any gains or deficiencies as a result of fluctuations in interest rates over the life of the investments: *Provided, however,* That a final adjustment shall be made between the Board and the Secretary of the Treasury at the end of the amortization period to correct any overall gain or deficiency in the Fund. The terms of this adjustment shall be covered by a memorandum of understanding between the Board and the Secretary of the Treasury to be consummated on or before the time the initial payment into the Fund is made.".

(Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985)[1]

(d) Such amounts as may be necessary for programs, projects, or activities provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985 (H.R. 6028), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 98-1132), filed in the House of Representatives on October 3, 1984, as if such Act had been enacted into law: *Provided,* That sections 204 and 307 of Public Law 98-139 shall apply to funds appropriated in this subsection: *Provided further,* That notwithstanding any other provision of this joint resolution, there is appropriated $4,000,000 for the United States Institute of Peace as authorized in the United States Institute of Peace Act. $4,000,000

Notwithstanding any other provision of this joint resolution, there is appropriated to the National Library of Medicine, an additional $3,500,000 for carrying out section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act. 3,500,000

Notwithstanding any other provision of this joint resolution, and in addition to amounts appropriated elsewhere, there are appropriated $2,500,000 for fiscal year 1985 for the Alcohol, Drug Abuse, and Mental Health Administration. 2,500,000

Section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) is amended by adding at the end thereof the following new paragraph:

"(7)(A) The Secretary shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

"(B) Refugees covered under such alternative projects shall be precluded from receiving cash or medical assistance under any other paragraph of this subsection or under title XIX or part A of title IV of the Social Security Act.

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[1] The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1985 (H.R. 6028), was subsequently passed by the Congress, becoming Public Law 98-619, approved November 8, 1984 (see pp. 195-224, this volume).

"(C) The Secretary, in consultation with the United States Coordinator for Refugee Affairs, shall report to Congress not later than October 31, 1985, on the results of these projects and on any recommendations respecting changes in the refugee assistance program under this section to take into account such results.

"(D) To the extent that the use of such funds is consistent with the purposes of such provisions, funds appropriated under paragraph (1) or (2) of section 414(a) of this Act, part A of title IV of the Social Security Act, or title XIX of such Act, may be used for the purpose of implementing and evaluating alternative projects under this paragraph.". The amendment made by this paragraph shall take effect on October 1, 1984.

(Military Construction Appropriations Act, 1985)

(e) Such amounts as may be necessary for programs, projects or activities provided for in the Military Construction Appropriations Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander-in-Chief, $1,593,137,000, to remain available until September 30, 1989: *Provided,* That of this amount, not to exceed $153,500,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That none of the funds appropriated by this Act may be used for construction of a chemical munitions demilitarization facility at Lexington-Blue Grass Army Depot, Kentucky. $1,593,137,000

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,534,592,000, to remain available until September 30, 1989: *Provided,* That of this amount, not to exceed $140,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor. 1,534,592,000

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,572,655,000 to remain available until September 30, 1989: *Pro-* 1,572,655,000 *vided,* That of this amount, not to exceed $143,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Military Construction, Defense Agencies

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $302,198,000 to remain available until September 30, 1989: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $27,500,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor. $302,198,000

North Atlantic Treaty Organization Infrastructure

For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $107,200,000, to remain available until expended. 107,200,000

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $98,603,000, to remain available until September 30, 1989. 98,603,000

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $111,200,000, to remain available until September 30, 1989. 111,200,000

Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $69,306,000, to remain available until September 30, 1989. 69,306,000

Military Construction, Naval Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $60,800,000, to remain available until September 30, 1989. $60,800,000

Military Construction, Air Force Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $67,800,000, to remain available until September 30, 1989. 67,800,000

[*Total, Military Construction, $5,517,491,000.*]

Family Housing, Army

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $143,215,000; for Operation and maintenance, $1,183,300,000; for debt payment, $21,917,000; in all $1,348,432,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1989.

1,348,432,000
−20,054,000 *(debt reduction)*

[*Total, family housing, Army (net), $1,328,378,000.*]

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $117,027,000; for Operation and maintenance, $538,602,000; for debt payment, $25,446,000; in all $681,075,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1989.

681,075,000
−23,286,000 *(debt reduction)*

[*Total, family housing, Navy and Marine Corps (net), $657,789,000.*]

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $181,123,000; for Operation and maintenance, $700,940,000; for debt payment, $29,980,000; in all $912,043,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1989.

912,043,000
−27,932,000 *(debt reduction)*

[*Total, family housing, Air Force (net), $884,111,000.*]

Family Housing, Defense Agencies

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $707,000; for Operation and maintenance, $16,730,000; in all $17,437,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1989. $17,437,000

[*Total, family housing (net)* .... *$2,958,987,000.*]
[*New budget (obligational) authority* .... *2,887,715,000.*]
[*Debt reduction* .... *−71,272,000.*]

GENERAL PROVISIONS

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Ninety-eighth Congress.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 103. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 104. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 105. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 106. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 107. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 108. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 109. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.

SEC. 110. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 111. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive bid of a United States contractor does not exceed the lowest responsive bid of a foreign contractor by greater than 20 per centum.

SEC. 112. No part of the funds appropriated in this Act may be obligated for construction of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met.

SEC. 113. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 114. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 115. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 116. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such projects, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 117. None of the funds appropriated in this Act may be obligated or expended in any way for the express purpose of the sale, lease, or rental of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

SEC. 118. None of the funds in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 119. None of the funds appropriated in this Act for F-16 beddown projects at Misawa, Japan, may be obligated or expended unless there has been notification to the Committees on Appropriations that the approved Government of Japan budget for fiscal year 1985 includes projects associated with the F-16 beddown as an additive over the level of funding provided in Japanese fiscal year 1984 for the facilities improvement program.

SEC. 120. None of the funds appropriated in this Act may be obligated for contracts estimated by the Government to exceed $10,000,000 for military construction projects to be accomplished in Japan or in any NATO member country if that country has not increased its defense spending by at least 3 per centum in calendar year 1983, as certified by the Secretary of Defense, unless such contracts require that all installed equipment utilized in such projects have been manufactured in the United States.

SEC. 121. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed $1,000,000 for projects to be accomplished in Japan or in any NATO member country if that country has not increased its defense spending by at least 3 per centum in calendar year 1983, as certified by the Secretary of Defense, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 122. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed $5,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive bid of a United States contractor exceeds the lowest responsive bid of a foreign contractor by greater than 20 per centum.

SEC. 123. The Secretary of Defense is to inform the Committees on Appropriations and Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 124. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1985, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 125. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

SEC. 126. Of the total amount of budget authority provided for fiscal year 1985 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1985, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: *Provided*, That this section shall not apply to any agency, department or entity whose budget request for 1985 for the purposes stated above did not amount to $5,000,000.

SEC. 127. It is the sense of the Congress that the administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

This Act may be cited as the "Military Construction Appropriations Act, 1985".

Notwithstanding any other provision of this joint resolution, funds appropriated by this joint resolution for the United States share of the North Atlantic Treaty Organization infrastructure program may be obligated or expended only to the extent that one dollar (or its equivalent) has been recouped by the United States for North Atlantic Treaty Organization eligible projects prefinanced with United States funds for every four dollars (or their equivalent) obligated or expended from funds made available under this joint resolution for such purpose.

[Total, Military Construction Appropriations, 1985:
[New budget (obligational) authority (all definite appropriations) .... $8,405,206,000.]
[Debt reduction .... −71,272,000.]

(1) Such amounts as may be necessary for projects or activities provided for in the Foreign Assistance and Related Programs Appropriations Act, 1985, at a rate for operations and to the extent in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

(Foreign Assistance and Related Programs Appropriations Act, 1985)

AN ACT

Making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

International Financial Institutions

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock as authorized by the International Financial Institutions Act, $109,721,549 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, as amended (Public Law 79-171), to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

$109,721,549

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,353,220,096.

1,353,220,096 (limitation on callable capital)

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $750,000,000, for the first installment of the United States contribution to the seventh replenishment, to remain available until expended, and $150,000,000 for the United

750,000,000

150,000,000

States contribution to the sixth replenishment, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position of level V of the Executive Schedule under section 5316 of title 5, United States Code: *Provided further*, That there is hereby enacted into law the amendment made by section 901 of S. 2582, as reported by the Committee on Foreign Relations of the Senate on April 18, 1984, except for subsection (c) of the section enacted by this proviso: *Provided further*, That the Secretary of the Treasury shall instruct the United States Executive Director to undertake negotiations to ensure, to the maximum extent possible consistent with the effective use of resources, that the amount of development credits made available to sub-Saharan Africa through the seventh replenishment shall equal or exceed the amount of development credits made available to sub-Saharan Africa through the sixth replenishment.

[*Total, contribution to the International Development Association, $900,000,000.*]

[*Total, contributions to World Bank Group:*
[*New budget (obligational) authority* .... *$1,009,721,549.*]
[*Limitation on callable capital* .... *1,353,220,096.*]

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations, as authorized by the Inter-American Development Bank Act, as amended (Public Law 86–147), $72,500,000 to remain available until expended; and $38,000,983 for the United States share of the increase in paid-in capital stock to remain available until expended; and $10,000,000 for the United States share of the capital stock of the Inter-American Investment Corporation to remain available until expended: *Provided*, That there is hereby enacted into law title II of S. 2416, as introduced in the Senate on March 13, 1984: *Provided further*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

$72,500,000
38,000,983
10,000,000

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $806,464,582.

[*Total, contributions to the Inter-American Development Bank:*
[*New budget (obligational) authority* .... *$120,500,983.*]
[*Limitation on callable capital* .... *806,464,582.*]

806,464,582 (limitation on callable capital)

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States

share of the increase in capital stock, $13,232,676 to remain available $13,232,676
until expended; and for the United States contribution to the
increases in resources of the Asian Development Fund, as authorized
by the Asian Development Bank Act, as amended (Public Law
98-369), $100,000,000, to remain available until expended: *Provided,* 100,000,000
That no such payment may be made while the United States
Director of the Bank is compensated by the Bank at a rate which,
together with whatever compensation such Director receives from
the United States, is in excess of the rate provided for an individual
occupying a position at level IV of the Executive Schedule under
section 5315 of title 5, United States Code, or while any alternate
United States Director to the Bank is compensated by the Bank in
excess of the rate provided for an individual occupying a position at
level V of the Executive Schedule under section 5316 of title 5,
United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may
subscribe without fiscal year limitation to the callable capital portion
of the United States share of such increase in capital stock in
an amount not to exceed $251,367,220. *251,367,220 (limitation on callable capital)*

[Total, contributions to the Asian Development Bank:
[New budget (obligational) authority .... $113,232,676.]
[Limitation on callable capital .... 251,367,220.]

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary
of the Treasury, $50,000,000, for the United States contribution to 50,000,000
the third replenishment of the African Development Fund, to
remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary
of the Treasury, for the paid-in share portion of the United States
share of the increase in capital stock, $17,987,678, to remain available 17,987,678
until expended: *Provided,* That no such payment may be made
while the United States Executive Director to the Bank is compensated
by the Bank at a rate in excess of the rate provided for an
individual occupying a position at level IV of the Executive Schedule
under section 5315 of title 5, United States Code, or while the
alternate United States Executive Director to the Bank is compensated
by the Bank at a rate in excess of the rate provided for an
individual occupying a position at level V of the Executive Schedule
under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank
may subscribe without fiscal year limitation to the callable capital
portion of the United States share of such capital stock in an
amount not to exceed $53,960,036. *53,960,036 (limitation on callable capital)*

[Total, contributions to International Financial Institutions:
[New budget (obligational) authority ,................ $1,311,442,886.]
[Limitation on callable capital .... 2,465,011,934.]

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301
and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of
the United Nations Environment Program Participation Act of
1983, $358,676,500: *Provided,* That no funds shall be available for the 358,676,500
United Nations Fund for Science and Technology: *Provided further,*
That the total amount of funds made available by this paragraph

shall be available only as follows: $165,000,000 for the United Nations Development Program; $53,500,000 for the United Nation's Children's Fund; $2,000,000 for the World Food Program; $2,000,000 for the United Nations Capital Development Fund; $500,000 for the United Nations Voluntary Fund for the Decade for Women; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $14,814,000 for the International Atomic Energy Agency; $10,000,000 for the United Nations Environment Program; $1,000,000 for the United Nations Educational and Training Program for South Africa; $500,000 for the United Nations Institute for Namibia; $343,000 for the United Nations Trust Fund for South Africa; $422,000 for the United Nations Institute for Training and Research; $200,000 for the Convention on International Trade in Endangered Species; $90,000,000 for the International Fund for Agricultural Development; $449,000 for the United Nations Fellowship Program; $100,000 for the UNIDO Investment Promotion Service; $248,500 for the World Heritage Fund; $100,000 for the United Nations Voluntary Fund for Victims of Torture; and $15,500,000 for the Organization of American States.

[*Total, title I, contributions for Multilateral Economic Assistance:*
[*New budget (obligational) authority .... $1,670,119,386.*]
[*Limitation on callable capital .... 2,465,011,934.*]

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1985, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agriculture, rural development and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $745,551,000: *Provided,* That of this amount the funds $745,551,000
provided for loans shall remain available for obligation until September 30, 1986: *Provided further,* That notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this heading may be available for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations, which sum shall remain available until September 30, 1986, except that $5,000,000 of the funds made available by this proviso may not be obligated or expended until October 1, 1985: *Provided further,* That of the funds made available under this paragraph not more than $1,700,000 shall be available for Uganda except as provided through the regular notification process of the Committees on Appropriations: *Provided further,* That in addition to amounts otherwise appropriated by this Act to carry out the provisions of section 103, there is hereby appropriated $10,000,000 which shall be used only for nutrition activities not 10,000,000
previously justified to the Committees on Appropriations, with such assistance to be provided through private and voluntary organizations and international organizations wherever appropriate.

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), $290,000,000: *Provided,* 290,000,000
That of this amount the funds provided for loans shall remain available for obligation until September 30, 1986: *Provided further,* That none of the funds appropriated under this heading may be available for the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduc-

tion: *Provided further,* That not less than $46,000,000 or 16 per centum of the amount appropriated under this paragraph, whichever is lower, shall be available only to support the United Nations Fund for Population Activities: *Provided further,* That none of the funds appropriated under this paragraph may be available to any country which includes as part of its population planning programs involuntary abortion: *Provided further,* That none of the funds appropriated under this paragraph may be available to any organization which includes as part of its population planning programs involuntary abortion: *Provided further,* That it is the sense of the House of Representatives to reaffirm its commitment to United States population assistance, as authorized by section 104 of the Foreign Assistance Act of 1961 and as appropriated by the Foreign Assistance and Related Programs Appropriations Act, 1982. It is further the sense of the House of Representatives that United States population assistance shall be administered in accordance with and faithful to these laws as interpreted by AID's 1982 "Policy Paper: Population Assistance" and that no funds shall be denied to multilateral as well as nongovernmental and private and voluntary organizations because of their participation, paid for by funds other than those appropriated by the Congress, in activities conducted in accordance with all applicable United States Federal laws and regulations.

Health, Development Assistance: For necessary expenses to carry
out the provisions of section 104(c), $173,138,000: *Provided,* That of $173,138,000
this amount the funds provided for loans shall remain available for obligation until September 30, 1986: *Provided further,* That not less than $42,000,000 of the funds appropriated under this paragraph shall be available only for Africa: *Provided further,* That in addition to amounts otherwise appropriated by this Act to carry out the
provisions of section 104(c) there is hereby appropriated $50,000,000, 50,000,000
which shall be available only for the delivery of primary and related health care services, and basic health care education (primarily oral rehydration and immunization programs) activities not previously justified to the Committees on Appropriations, with such assistance to be provided through private and voluntary organizations and international organizations wherever appropriate.

Child Survival Fund: For necessary expenses to carry out the
provisions of the "Child Survival Fund", $25,000,000. 25,000,000

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of
section 105, $188,833,000: *Provided,* That of this amount the funds 188,833,000
provided for loans shall remain available for obligation until September 30, 1986: *Provided further,* That $4,000,000 of this amount shall be available only for scholarships for South African students in accordance with the last sentence of section 105(a) of the Foreign Assistance Act of 1961 (as added by title III of the International Security and Development Cooperation Act of 1981).

Energy and selected development activities, Development Assistance: For necessary expenses to carry out the provisions of section
106, $190,000,000: *Provided,* That of this amount the funds provided 190,000,000
for loans shall remain available for obligation until September 30, 1986: *Provided further,* That of the funds appropriated under this paragraph, $2,000,000 shall be transferred to and made available for "Science and technology, Development Assistance", which sum shall be made available only for cooperative projects among the United States, Israel, and developing countries.

Transfer of funds for Zimbabwe: Of the funds appropriated to carry out the provisions of sections 103 through 106, $15,000,000 previously justified to the Committees on Appropriations shall be transferred to the Economic Support Fund for Zimbabwe.

Central America Development Assistance: Of the funds appropriated to carry out the provisions of sections 103 through 106, not more than $225,000,000 shall be available for Central America except as provided through the regular notification process of the Committees on Appropriations.

Private and Voluntary Organizations: None of the funds appropriated or otherwise made available in this Act for development assistance may be made available after January 1, 1986, to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 25 per centum of its total annual funding for international activities from sources other than the United States Government, notwithstanding section 123(g) of the Foreign Assistance Act of 1961.

Science and technology, Development Assistance: For necessary expenses to carry out the provisions of section 106, $10,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available for obligation until September 30, 1986. $10,000,000

Private sector revolving fund: For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, not to exceed $20,000,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During 1985, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed $20,000,000. *20,000,000 (by transfer)*

[***Total, contributions to Development Assistance, $1,682,522.000.***]

Loan allocation, Development Assistance: In order to carry out the provisions of part I, the Administrator of the Agency responsible for administering such part may furnish loan assistance pursuant to existing law and on such terms and conditions as he may determine: *Provided*, That to the maximum extent practicable, loans to private sector institutions, from funds made available to carry out the provisions of sections 103 through 106, shall be provided at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds: *Provided further*, That loans made to countries whose annual per capita gross national product is greater than $805 but less than $1,301 shall be repayable within twenty-five years following the date on which funds are initially made available under such loans and loans to countries whose annual per capita gross national product is greater than or equal to $1,301 shall be repayable within twenty years following the date on which funds are initially made available under such loans.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $30,000,000: *Provided*, That the Secretary of State shall conduct a study addressing what means would be most appropriate to continue financial assistance to the American University of Beirut and the American University of Cairo in future years in view of the value of the Universities to the interests of the United States in the Middle East, including the possibility of establishing a trust fund: *Provided further*, That the results of this study shall be provided to the chairman of the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the chairmen of the Committee on Appropriations and the Committee on Foreign Relations of the Senate no later than January 1, 1985: *Provided further*, That the Secretary is directed to consult with the Committees on Appropriations during the development of this study. 30,000,000

International disaster assistance: For necessary expenses to carry out the provisions of section 491, $25,000,000, to remain available until expended. 25,000,000

Sahel development program: For necessary expenses to carry out the provisions of section 121, $97,500,000, to remain available until 97,500,000 expended: *Provided*, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 per centum of the total contributions to such program.

Overseas training and special development activities (foreign currency program): For necessary expenses as authorized by section 612, $1,100,000 in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States.

$1,100,000 (foreign currency program)

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $40,562,000.

40,562,000

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $3,826,000,000: *Provided*, That of the funds appropriated under this paragraph, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be provided before January 1, 1985: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis and of which $100,000,000 shall be provided as a cash transfer: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt are based in great measure upon the continued participation of Egypt in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to renew actively their efforts to restore a full diplomatic relationship and achieve realization of the Camp David Accords: *Provided further*, That $75,000,000 of the funds appropriated under this paragraph shall be made available for programs or activities for sub-Saharan Africa not previously justified to the Committees on Appropriations: *Provided further*, That not more than $195,000,000 of the funds appropriated under this paragraph shall be provided for El Salvador: *Provided further*, That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law, which are inconsistent with the cash transfer nature of this assistance, or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648: *Provided further*, That notwithstanding section 660 of the Foreign Assistance Act of 1961, not less than $6,000,000 shall be available for programs and projects in El Salvador to promote the creation of judicial investigative capabilities, protection for key participants in pending judicial cases, and modernization of penal and evidentiary codes: *Provided further*, That $15,000,000 shall be available only for Cyprus, and that none of these funds shall be used to support refugee housing construction or rent subsidies: *Provided further*, That not less than $20,000,000 shall be available only for Tunisia: *Provided further*, That not less than $5,000,000 shall be available only to assist Central American countries to develop energy self-sufficiency, to identify and utilize indigenous resources to improve economic development, and to reduce reliance on imported energy: *Provided further*, That none of the funds appropriated under this paragraph shall be available for the Central American Regional Program except as provided through the regular notification process of the Committees on Appropriations: *Provided further*, That not more than $12,500,000 of the funds appropriated under this paragraph shall be available for Guatemala, and that such funds may be made available only for development activities consistent with the objectives of sections 103 through 106 of the Foreign Assistance Act of 1961 that are aimed directly at improving the lives of the poor in

3,826,000,000

that country, especially the indigenous population in the highlands: *Provided further,* That none of the funds appropriated under this paragraph shall be available for Guatemala except in accordance with the regular notification process of the Committees on Appropriations: *Provided further,* That not more than $10,000,000 of the funds appropriated under this paragraph shall be available for Zaire.

Peacekeeping operations: For necessary expenses to carry out the provisions of section 551, $44,000,000. [1]$44,000,000

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667, $391,533,250: *Provided,* That not more than $20,000,000 of this amount shall be for Foreign Affairs Administrative Support: *Provided further,* That none of the funds appropriated or made available (other than funds appropriated or made available by this paragraph) pursuant to this Act for carrying out the foreign Assistance Act of 1961, may be used for the operating expenses of the Agency for International Development: *Provided further,* That except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 per centum of the aggregate of the funds made available for the fiscal year 1985 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women. 391,533,250

Trade credit insurance program: During the fiscal year 1985, total commitments to guarantee or ensure loans for the "Trade credit insurance program" shall not exceed $300,000,000 of contingent liability for loan principal. *300,000,000 (program limitation)*

Trade and development: For necessary expenses to carry out the provisions of section 661, $21,000,000. 21,000,000

Housing and other credit guaranty programs: For payment to the reserve fund established by section 223 of the Foreign Assistance Act of 1961, $40,000,000, to remain available until expended: *Provided,* That such amounts shall be available for expenditure in discharge of guarantees extended prior to enactment of this Act. During the fiscal year 1985, total commitments to guarantee loans shall not exceed $160,000,000 of contingent liability for loan principal. 40,000,000 *160,000,000 (limitation on guaranteed loans)*

[*Total, contribution to Agency for International Development,* [2]*$6,179,117,250.*]

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $1,000,000: *Provided,* That the unobligated balances as of September 30, 1984, of funds heretofore made available for the African Development Foundation are hereby continued available for the fiscal year 1985 for the use of the African Development Foundation. 1,000,000

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[1] Included in total for Department of State on page 336.

[2] Includes $25,000,000 for "AID deobligate/reobligate reappropriation", shown on page 341, this bill, under "Title V—General Provisions". Excludes $44,000,000 for "peacekeeping operations" included in the total for the Department of State on p. 336, this bill.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $11,992,000.

$11,992,000

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1985 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $15,000,000.

15,000,000 (limitation on direct loans)

During the fiscal year 1985, total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

150,000,000 (limitation on guaranteed loans)

[*Total, Funds Appropriated to the President,* [1] *$6,192,109,250.*]

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $128,600,000: *Provided,* That none of the funds appropriated in this paragraph shall be used to pay for abortions.

128,600,000

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481, $50,217,000.

50,217,000

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980, allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $325,500,000: *Provided,* That not less than $15,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel, of which $2,500,000 shall be available for Ethiopian Jews: *Provided further,* That these funds shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further,* That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infil-

325,500,000

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[1] Includes $25,000,000 for "AID deobligate/reobligate reappropriation", shown on page 341, this bill, under "Title V—General Provisions". Excludes $44,000,000 for "peacekeeping operations" included in the total for the Department of State on p. 336, this bill.

tration in the Western Hemisphere: *Provided further,* That no more than $8,150,396 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II, $5,000,000. $5,000,000

[*Total, Department of State,* [1]*$424,717,000.*]
[*Total, title II, Bilateral Economic Assistance:*
[*New budget (obligational) authority* .... [2]*$6,745,426,250.*]
[*Limitation on direct loans* .... *15,000,000.*]
[*Limitation on guaranteed loans* .... *310,000,000.*]

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $805,100,000: *Provided,* That of the funds appropriated under this paragraph, not more than $111,750,000 shall be available for El Salvador and not more than $215,000,000 shall be available for Turkey: *Provided further,* That of the funds appropriated under this paragraph, not more than $4,000,000 shall be available for Zaire, except as provided through the regular notification process of the Committees on Appropriations: *Provided further,* That of the funds provided for El Salvador under this paragraph half the amount shall be available for obligation and expenditure October 1, 1984, and the remaining half March 1, 1985: *Provided further,* That in the event of an emergency certified by the President funds herein appropriated to be obligated for El Salvador after March 1, 1985, may be obligated in advance of that date, only if the Committees on Appropriations are notified at least fifteen days in advance: *Provided further,* That before the date of March 1, 1985, the administration shall consult with the Committees on Appropriations in regard to reduction and punishment of death squad activities, elimination of corruption and misuse of governmental funds, development of an El Salvadoran plan to improve the performance of the military, and progress toward discussions leading to a peaceful resolution of the conflict, with it being the direction of the Congress of the United States that military assistance funds available in the second half of fiscal year 1985 for El Salvador not be obligated until substantial progress has been made on each of the above points: *Provided further,* That $5,000,000 of the amount made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may not be expended until the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) brought the accused to trial and obtained a verdict: *Provided further,* That funds appropriated under this para- 805,100,000 graph may be made available for Turkey only if the President certifies to the Congress (a) that the United States Government is acting with urgency and determination to oppose any actions aimed at effecting a permanent bifurcation of Cyprus; and is calling upon the Government of Turkey to take without delay all necessary steps to reverse the illegal action declaring an independent state and to promote, pursuant to pertinent United Nations resolutions, the full political and economic unity of the Republic of Cyprus; and (b) that Turkey is making efforts to ensure that the Turkish Cypriot community is not taking any actions with regard to the region of Famagusta/Varosha which would prejudice the outcome or otherwise impede intercommunal talks on the future of Cyprus: *Provided further,* That none of the funds made available by this paragraph may be obligated or expended for the construction or operation of a Regional Military Training Center in Honduras except as provided through the regular notification process of the Committees on Appropriations and until the President provides to the Committees on Appropriations of the Senate and the House of Representatives (1) a report that the Government of Honduras has provided a site for such a Center and assumed responsibility for any competing claims to rights of use or ownership of such site, and has provided written assurances to make that site available on a long-term basis for training by the armed forces of other friendly countries in the region as well as those of Honduras; (2) a detailed plan, with specific cost estimates, for the construction of such a Center at the site provided by the Government of Honduras; and (3) a determination that the Government of Honduras recognizes the need to compensate as required by international law the United States citizen who claims injury from the establishment and operation of the existing Center, and that it is taking appropriate steps to discharge its obligations under international law, in particular the Treaty of Friendship, Commerce and Consular Rights with the United States, as well as its letter of December 14, 1983, to the United States Trade Representative: *Provided further,* That the President shall report to the Committees sixty days after the passage of this resolution and again in one hundred and twenty days on progress in resolving this claim; in one hundred and eighty days, the President shall report on the resolution of the claim or, if Honduras has failed to resolve the claim, on the actions which he proposes to take in response to the situation and in particular actions with respect to the granting of preferential trade benefits under the Caribbean Basin Initiative, disbursement of economic support funds or any other funds provided under this resolution and review of the status of Honduras under other, expropriation-related legislation.

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[1] Includes $44,000,000 for "peacekeeping operations" shown on p. 334, this bill, under "Agency for International Development".

[2] Includes $25,000,000 for "AID deobligate/reobligate reappropriation", shown on page 341, this bill, under "Title V—General Provisions".

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

There are authorized to be made available for the Special Defense Acquisition Fund for the fiscal year 1985, $325,000,000.

$325,000,000 (limitation on obligations)

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $56,221,000.

56,221,000

FOREIGN MILITARY CREDIT SALES

For necessary expenses to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,939,500,000, of which not less than $1,400,000,000 shall be available only for Israel and not less than $1,175,000,000 shall be available only for Egypt: *Provided,* That of the amount made available for Israel under this paragraph, up to $150,000,000 shall be made

4,939,500,000

available for research and development activities in the United States for the Lavi program, and not less than $250,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program: *Provided further,* That during fiscal year 1985, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed $4,939,500,000: *Provided further,* That section 102 of S. 2346, as introduced on February 27, 1984, is hereby enacted: *Provided further,* That credits (or participation in credits) extended under this Act for Greece for the fiscal year 1985 shall be at a rate of interest equal to the rate of interest charged on such credits extended for Turkey for the fiscal year 1985: *Provided further,* That no credits may be extended and no guarantees may be issued under this paragraph for Turkey for the fiscal year 1985 if the extension of such credits or the issuance of such guarantees would cause the sum of such credits and guarantees provided for Turkey for such fiscal year to exceed $485,000,000: *Provided further,* That of the funds available in this paragraph not less than $50,000,000 shall be available for Tunisia, not more than $15,000,000 shall be available for the Philippines: *Provided further,* That none of the funds available in this paragraph shall be available for Guatemala: *Provided further,* That concessional interest rates available under this paragraph shall not be less than five percent: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification process of the Committees on Appropriations: *Provided further,* That it is the sense of the Congress that no sales of sophisticated weaponry—specifically advanced aircraft, new air defense weapons systems or other new advanced military weapons systems be made to Jordan unless the Government of Jordan is publicly committed to the recognition of Israel and to prompt entry into serious peace negotiations with Israel.

GUARANTEE RESERVE FUND

For necessary expenses to carry out the provisions of section 24 of the Arms Export Control Act, $109,000,000, to remain available until expended: *Provided,* That this sum is available only for the Guarantee Reserve Fund notwithstanding any other provision of the Foreign Assistance Act of 1961 or the Arms Export Control Act. $109,000,000

[*Total, title III, Military Assistance:*

[*New budget (obligational) authority*	*$5,909,821,000.*]
[*Limitation on obligations*	*325,000,000.*]

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION OF PROGRAM ACTIVITY

During the fiscal year 1985 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $3,865,000,000: *Provided,* That during the fiscal year 1985, total commitments to guarantee loans shall not exceed $10,000,000,000 of contingent liability for loan principal.

[1]$3,865,000,000
3,865,000,000 (limitation on direct loans)
10,000,000,000 (limitation on guaranteed loans)
18,900,000 (limitation on administrative expenses)

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $18,900,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for entertainment allowances for members of the Board of Directors: *Provided,* That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this paragraph.

[*Total, title IV, Export-Import Bank of the United States:*
[*New budget (obligational) authority* .... *$3,865,000,000.*]
[*Limitations on use of corporate funds* .... *13,883,900,000.*]

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

SEC. 502. Except for the appropriations entitled "International disaster assistance", "United States emergency refugee and migration assistance fund" and the special requirements fund within the appropriation entitled "Economic support fund", not more than 15 per centum of any appropriation item made available by this Act for the current fiscal year shall be obligated or reserved during the last month of availability.

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

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[1] Reflects new budget (obligational) authority corresponding to the limitation on Export-Import Bank direct loans.

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $110,000 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $10,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,000 shall be for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the total funds made available by this Act under the headings "Military assistance" and "Foreign military credit sales", not to exceed $2,500 shall be available for entertainment expenses and not to exceed $70,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International military education and training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,500 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses.

SEC. 510. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, technology or to provide assistance for the training of foreign nationals in nuclear fields.

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

SEC. 512. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly any assistance to Mozambique, except that the President may waive this prohibition if he determines, and so reports to the Congress, that furnishing such assistance would further the foreign policy interests of the United States.

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, Laos, the Socialist Republic of Vietnam, South Yemen, or Syria.

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written approval of the Appropriations Committees of both Houses of the Congress.

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the ~~paragraphs~~ under "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs for the same general purpose and for the same country as originally obligated, or for activities in the Andean region: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation or reobligation of such funds. [1]$25,000,000

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by Congress.

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act.

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States representative cannot upon request obtain any document developed by the management of the international financial institution.

SEC. 521. None of the funds appropriated or otherwise made available by this Act to the Export-Import Bank and funds appropriated by this Act for direct foreign assistance may be obligated for any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed or is being sought by any other government for prosecution for any war crime or an act of international terrorism, unless the President finds that the national security requires otherwise.

SEC. 522. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SEC. 524. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to the United States producers of the same, similar, or competing commodity.

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[1] Reappropriation amount is estimated. Included in total for Agency for International Development on page 334, this bill.

SEC. 525. None of the funds made available under this Act for "Agriculture, rural development and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "Education and human resources development, Development Assistance", "Energy, private voluntary organizations, and selected development activities, Development Assistance", "Science and technology, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Sahel development program", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating Expenses of the Agency for International Development", "Anti-Terrorism Assistance", "Military assistance", "International military education and training", "Foreign military credit sales", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

SEC. 526. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 527. None of the funds appropriated under this Act may be used to lobby for abortion.

SEC. 528. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1984, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 529. Notwithstanding any other provision of law or this Act, none of the funds provided for "International organizations and programs" shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Libya, Iran, or Cuba.

SEC. 530. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the degree of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special note of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall also include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communique. A full compilation of the information supplied by the Permanent Representative of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report.

(b) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under subsection (a), is engaged in a consistent pattern of opposition to the foreign policy of the United States.

SEC. 531. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

SEC. 532. Funds appropriated under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services and which are receiving direct assistance under chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, notwithstanding section 604(g) of the Foreign Assistance Act of 1961: *Provided*, That this provision shall apply only in the case of those advanced developing countries that permit United States firms to compete for construction or engineering services financed from assistance programs of such countries.

SEC. 533. (a) Not later than thirty days after the date of entry into force of any memorandum of understanding or other international agreement between the United States Government and the Government of El Salvador regarding the use of local currencies generated from assistance furnished to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 or generated from the sale of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954, with respect to El Salvador, the President shall prepare and transmit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report setting forth for each such memorandum or agreement—

(1) the text of each such memorandum or agreement;

(2) the status and description of each such memorandum or agreement, including the period of time covered, the amount of funding involved, and the sources of funding involved;

(3) an explanation of the manner in which funds are to be used in El Salvador to—

(A) eliminate the climate of violence and civil strife;

(B) develop democratic institutions and processes;

(C) develop strong and free economies with diversified production for both external and domestic markets;

(D) make sharp improvement in the social conditions of the poorest Salvadorans; and

(E) improve substantially the distribution of income and wealth; and

(4) the degree of compliance by the Government of El Salvador with the provisions of such memorandum or agreement.

(b) Not later than thirty days after the date of enactment of this Act, the President shall prepare and transmit to the committees referred to in subsection (a) a report providing the information described by paragraphs (1) through (4) of subsection (a) with respect to any memorandum of understanding or other international agreement described by such subsection which is in effect on the date of enactment of this Act.

(c) Not later than six months after the date of entry into force of each memorandum of understanding or other international agreement described in subsection (a), and upon the date of termination of each such memorandum or agreement, the President shall prepare and transmit to the committees referred to in subsection (a) a report describing the progress achieved in carrying out the provisions of such memorandum or agreement, including the progress achieved in carrying out the provisions of clauses (A) through (E) of subsection (a)(3).

SEC. 534. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

SEC. 535. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 909 of the International Security and Development Cooperation Act of 1984, as passed by the House of Representatives on May 10, 1984, no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

SEC. 536. None of the funds made available in this Act shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

SEC. 537. Notwithstanding any other provision of law, if at any time following the appropriation of funds herein the duly elected President of El Salvador should be deposed by military coup or decree all funds appropriated herein for El Salvador and not theretofore obligated or expended shall not thereafter be available for expenditure or obligation unless reappropriated by Congress.

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent act unless such act specifically so directs.

SEC. 539. The Secretary of the Treasury and the Secretary of State are directed to submit to the Committees on Foreign Affairs and the Committees on Appropriations by February 1, 1985, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance programs conducted by these recipient nations.

SEC. 540. (a) To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for fiscal year 1985 to carry out chapter 1 of part I or chapter 4 or chapter 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, and freedom of the press.

(c) Six months after the date of the enactment of this Act and six months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) Assistance may not be provided for Haiti for the fiscal year 1985 under chapter 2 of part II of the Foreign Assistance Act of 1961 or under the Arms Export Control Act.

SEC. 541. (a) Sections 116, 303, 311, 312, 703, and 1011 of H.R. 5119 as passed by the House of Representatives on May 10, 1984, are hereby enacted.

(b) Section 102 of this joint resolution shall not apply with respect to the provisions enacted by this section and to those provisions of S. 2346, S. 2416, and S. 2582 enacted by this Act.

SEC. 542. (a) Of the amounts made available by this Act for "Foreign Military Credit Sales" which are provided to Israel, and Egypt, Israel and Egypt shall be released from their contractual liability to repay the United States Government with respect to such credits.

(b) Of the amounts made available by this Act for "Foreign Military Credit Sales", the principal amount of loans provided at nonconcessional interest rates which are provided for Greece, Korea, Philippines, Portugal, Somalia, Spain (as long as Spain is a member of the North Atlantic Treaty Organization), Sudan, Tunisia, and Turkey shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

SEC. 543. Section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply with respect to funds and authorities appropriated or otherwise made available by this Act.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1985".

[*Total, Foreign Assistance and Related Programs Appropriations, 1985:*

[*New budget (obligational) authority*	*$18,190,366,636.*]
[*Limitation on guaranteed loans*	*10,310,000,000.*]
[*Limitation on direct loans*	*3,880,000,000.*]
[*Limitation on callable capital*	*2,465,011,934.*]
[*Foreign currency program*	*1,100,000.*]
[*Program limitation*	*300,000,000.*]
[*Limitation on administration expenses*	*18,900,000.*]

(h) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

(Department of Defense Appropriation Act, 1985)

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; $21,020,344,000. $21,020,344,000

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; $15,660,246,000. 15,660,246,000

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; $4,803,366,000. 4,803,366,000

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of Reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; $17,572,005,000. $17,572,005,000

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,084,100,000. 2,084,100,000

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,127,700,000. 1,127,700,000

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $268,700,000. 268,700,000

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $564,500,000. 564,500,000

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,926,100,000. $2,926,100,000

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $868,578,000. 868,578,000

[*Total, title I, Military Personnel, new budget (obligational) authority (all definite appropriations), $66,895,639,000.*]

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,602,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $18,411,078,000, of which not less than $1,429,000,000 shall be available only for the maintenance of real property facilities. 18,411,078,000

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $2,823,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $25,116,241,000, of which not less than $764,000,000 shall be available only for the maintenance of real property facilities, and of which $10,500,000 shall be transferred to U.S. Coast Guard operating expenses for fixed costs associated with the operation of the polar icebreaker program: *Provided,* That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $3,700,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further,* That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels, funds shall be available for a test program to acquire the overhaul of two or more vessels by competition between public and private shipyards. The Secretary of the Navy shall certify, prior to award of a contract under this test, that the successful bid includes comparable estimates of all direct [1]25,116,241,000 and indirect costs for both public and private shipyards. Competition under such test program shall not be subject to section 502 of the Department of Defense Authorization Act, 1981, as amended, or Office of Management and Budget Circular A-76: *Provided further,* That funds herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981: *Provided further,* That obligations incurred or to be incurred hereafter for termination liability and charter hire in connection with the TAKX and T-5 programs, for which the Navy has already entered into agreement for charter and time charters including conversion or construction related to such agreements or charters shall, for the purposes of title 31, United States Code, (1) in regard to and so long as the Government remains liable for termination costs, be considered as obligations in the current Operation and Maintenance, Navy, appropriation account, to be held in reserve in the event such termination liability is incurred, in an amount equal to 10 per centum of the outstanding termination liability, and (2) in regard to charter hire, be considered obligations in the Navy Industrial Fund with an amount equal to the estimated charter hire for the then current fiscal year recorded as an obligation against such fund. Obligations of the Navy under such time charters are general obligations of the United States secured by its full faith and credit.

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[1] Of this amount, $10,500,000 has been transferred to the U.S. Coast Guard operating expenses for fixed costs associated with the operation of the polar icebreaker program.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,640,294,000, of which not less than $220,000,000 shall be available only for the maintenance of real property facilities. $1,640,294,000

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; and not to exceed $4,682,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $19,093,265,000, of which not less than $1,250,000,000 shall be available only for the maintenance of real property facilities. 19,093,265,000

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $7,067,469,000, of which not to exceed $9,956,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That not less than $95,548,000 shall be available only for the maintenance of real property facilities. 7,067,469,000

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $724,400,000, of which not less than $42,485,000 shall be available only for maintenance of real property facilities.

$724,400,000

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $827,181,000, of which not less than $37,000,000 shall be available only for the maintenance of real property facilities.

827,181,000

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $58,642,000, of which not less than $2,765,000 shall be available only for the maintenance of real property facilities.

58,642,000

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $872,461,000, of which not less than $20,200,000 shall be available only for the maintenance of real property facilities.

872,461,000

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $1,424,293,000, of which not less than $44,000,000 shall be available only for the maintenance of real property facilities: *Provided,* That $1,650,000 shall be available for the upgrade of the runway at the Devil's Lake Municipal Airport, Devil's Lake, North Dakota, to accommodate military troop transport aircraft.

1,424,293,000

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-

Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $1,810,348,000, of which not less than $43,700,000 shall be available only for the maintenance of real property facilities.

$1,810,348,000

National Board for the Promotion of Rifle Practice, Army

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $914,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided,* That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

914,000

Claims, Defense

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; $157,900,000.

157,900,000

Court of Military Appeals, Defense

For salaries and expenses necessary for the United States Court of Military Appeals; $2,870,000, and not to exceed $1,500 can be used for official representation purposes.

2,870,000

Environmental Restoration, Defense

For expenses, not otherwise provided for, for environmental restoration programs, including hazardous waste disposal operations and removal of unsafe or unsightly buildings and debris of the Department of Defense, and including programs and operations at sites formerly used by the Department of Defense; $314,000,000, of which, not to exceed $6,000,000 shall be available for payment to the Anchorage School District for a share of the cost of removal and treatment of asbestos and related facility rehabilitation at the Bartlett-Begich Junior/Senior High School located on Fort Richardson, Alaska.

314,000,000

[*Total, title II, Operation and Maintenance, new budget (obligational) authority (all definite appropriations), $77,521,356,000.*]

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,940,900,000, of which $642,600,000 shall be available for the purchase of UH-60/EH-60 Blackhawk/Quickfix helicopters under a multiyear contract and $431,900,000 shall be available for the purchase of CH-47 Chinook helicopter modifications under a multiyear contract; to remain available for obligation until September 30, 1987: *Provided*, That appropriations available herein shall be used to procure no less than eighteen AH-64 Apache attack helicopters for assignment to the Army National Guard.

$3,940,900,000

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows: For the Chaparral program, $32,000,000; for Other Missile Support, $9,300,000; for the Patriot program, $976,400,000; for the Stinger program, $209,600,000; for the Laser Hellfire program, $225,000,000; for the TOW program, $201,700,000; for the Pershing II program, $370,000,000; for the MLRS program, $541,400,000; for modification of missiles, $208,800,000; for spares and repair parts, $270,300,000; for support equipment and facilities, $122,500,000; in all: $3,167,000,000; to remain available for obligation until September 30, 1987.

3,167,000,000

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $4,548,100,000; to remain available for obligation

4,548,100,000

until September 30, 1987: *Provided,* That notwithstanding any other provision of this Act, none of the funds appropriated may be expended for the Division Air Defense system until—

(1) initial production testing and the fiscal year 1985 operational testing of such system have been completed;

(2) the Secretary of Defense has reported to the Armed Services and Appropriations Committees of the Congress the results of the testing and has certified to the Committees that (a) additional production of the Division Air Defense system is in the national interest to counter the present and projected Soviet threat, and (b) the system satisfactorily meets all design and performance requirements, and

(3) a period of at least thirty days has elapsed after the day on which the Committees have received the report and certification, such date to be not later than sixty days after the completion of either initial production testing or the fiscal year 1985 operational testing, whichever is later.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,646,300,000; to remain available for obligation until September 30, 1987. $2,646,300,000

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed two thousand three hundred and sixty passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $5,122,450,000, of which $347,200,000 shall be available for the purchase of five ton trucks under a multiyear contract; to remain available for obligation until September 30, 1987: *Provided,* That multiyear contracting authority provided in Public Law 98-212 for the Armored Combat Earthmover is rescinded. 5,122,450,000

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $10,903,798,000, of which $36,120,000 shall be available for the purchase of CH/MH-53E heavy lift helicopters under a multiyear contract; to remain available for obligation until September 30, 1987. $10,903,798,000

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For missile programs, $3,403,311,000; for the MK-48 torpedo program, $89,000,000; for the MK-48 ADCAP torpedo program, $105,600,000; for the MK-46 torpedo program, $229,700,000; for the MK-60 captor mine program, $122,000,000; for the MK-30 mobile target program, $21,300,000; for the MK-38 mini mobile target program, $2,500,000; for the antisubmarine rocket (ASROC) program, $25,900,000; for modification of torpedoes, $32,200,000; for the torpedo support equipment program, $96,000,000; for the MK-15 close-in weapons system program, $163,900,000; for the MK-75 gun mount, $10,900,000; for the MK-19 machinegun program, $2,000,000; for the 25mm gun mount, $3,100,000; for small arms and weapons, $3,500,000; for the modification of guns and gun mounts, $46,300,000; for the guns and gun mounts support equipment program, $13,400,000; in all: $4,353,611,000; to remain available for obligation until September 30, 1987: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $17,000,000, as follows: $2,000,000 for contract support services, and $15,000,000 for miscellaneous contract savings. 4,353,611,000

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows: For the Trident submarine program, $1,748,200,000; for the SSN-688 nuclear attack submarine program, $2,665,000,000; for the aircraft carrier service life extension program, $714,500,000; for the CG-47 AEGIS cruiser program, $2,883,000,000; for CG-47 AEGIS cruiser advance procurement, $102,000,000, of which $83,000,000 shall be solely for development of second production source(s) for SPY-1 radar and AEGIS combat system components and related integration for CG-47 and DDG-51 ship classes; for the DDG-51 guided missile destroyer program, $1,050,000,000; for the LSD-41 landing ship dock program, $489,500,000; for the LHD-1 amphibious assault ship program, $39,200,000; for the LPD-4 service life extension program, $15,000,000; for the MCM mine countermeasures ship program, $344,500,000; for the T-AO fleet oiler ship program, $522,600,000; for the T-AGOS ocean surveillance ship program, $128,400,000; for the T-AGS ocean survey ship program,

$225,000,000; for the T-ACS auxiliary crane ship program, $36,000,000; for the ARTB nuclear reactor training ship conversion program, $30,000,000; for the T-AVB logistics support ship program, $31,800,000; for the strategic sealift program, $31,000,000; for the LCAC air cushion landing craft program, $230,100,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $450,200,000; in all: $11,736,000,000; to remain available for obligation until September 30, 1989: *Provided,* That additional obligations may be incurred after September 30, 1989, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of its expiration: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further,* That notwithstanding any other provision of law, the Navy is not required to install a Phased Array Radar on the FFG-61 which was authorized and for which appropriations were provided in fiscal year 1984, provided that this ship be equipped with a MK-92 Upgrade Phase II (CORT) System, and in addition to funds previously provided for the fiscal year 1984 FFG-7 guided missile frigate program, $36,300,000 shall be available by transfer from the amount appropriated in "Shipbuilding and Conversion, Navy, 1983/1987".

$11,736,000,000

36,300,000 (by transfer)

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed three vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed four hundred and eighty-nine passenger motor vehicles which shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; as follows: For ship support equipment, $775,100,000; for communications and electronics equipment, $1,758,800,000; for aviation support equipment, $990,328,000; for ordnance support equipment, $1,126,500,000; for civil engineering support equipment, $238,000,000; for supply support equipment, $112,000,000; for personnel/command support equipment, $391,886,000; in all: $5,341,614,000; to remain available for obligation until September 30, 1987: *Provided,* That within the total amount appropriated, the subdivisions within this account shall be reduced by $51,000,000, as follows: $1,000,000 for contract support services; and $50,000,000 for Trident facilities.

5,341,614,000

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and nineteen passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $1,836,722,000; to remain available for obligation until September 30, 1987.

$1,836,722,000

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $26,188,266,000, of which $586,800,000 shall be available under a multiyear contract for procurement of seven hundred and twenty F-16 aircraft, of which seventy-two, shall be assigned to the Reserve Forces by 1991; to remain available for obligation until September 30, 1987: *Provided,* That none of the funds in this Act may be obligated on B-1B bomber production contracts if such contracts would cause the production portion of the Air Force's $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars to be exceeded: *Provided further,* That thirty of the F-16 aircraft for which funds are appropriated in this Act shall be provided to the Reserve Forces: *Provided further,* That of the C-130H aircraft for which funds are appropriated in this Act, eight shall be provided to the Air National Guard and eight shall be provided to the Air Force Reserve: *Provided further,* That $144,800,000 appropriated in fiscal year 1983 for procurement of commercial wide body aircraft shall be available only for the Civil Reserve Air Fleet (CRAF) modification program.

26,188,266,000

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,909,245,000, of which $251,200,000 shall be available for the phase III defense satellite communications system (DSCS III) under a multiyear contract; to remain available for obligation until September 30, 1987: *Provided,* **That the funds appropriated or made available in this paragraph include not more than $1,000,000,000 which may be obligated only for procurement related to the deployment of the 21 MX missiles for which funds were appropriated for fiscal year 1984, for advance procurement of parts and materials for the MX missile program and maintenance of the MX missile program contractor base, and for spare parts for the MX missile program. An additional $1,500,000,000 of prior year unobli-**

6,909,245,000

[1] *1,500,000,000*
(by transfer)

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[1] Public Law 99-18 (H.J. Res. 181), dated April 4, 1985, approved the release of $1,500,000,000 in prior year unobligated balances made available for fiscal year 1985 for the procurement of additional operational MX missiles.

gated balances is available from the following accounts and in the specified amounts:

Aircraft Procurement, Army	1984/86	$30,000,000
Missile Procurement, Army	1984/86	25,000,000
Procurement of Weapons and Tracked Combat Vehicles, Army.	1983/85	58,100,000
Procurement of Weapons and Tracked Combat Vehicles, Army.	1984/86	214,600,000
Procurement of Ammunition, Army.	1984/86	44,000,000
Other Procurement, Army	1984/86	47,500,000
Aircraft Procurement, Navy	1984/86	75,000,000
Weapons Procurement, Navy	1984/86	20,000,000
Shipbuilding and Conversion, Navy.	1981/85	52,300,000
Shipbuilding and Conversion, Navy.	1983/87	527,400,000
Shipbuilding and Conversion, Navy.	1984/88	57,000,000
Other Procurement, Navy	1984/86	85,700,000
Procurement, Marine Corps	1984/86	7,500,000
Aircraft Procurement, Air Force.	1983/85	50,000,000
Aircraft Procurement, Air Force.	1984/86	176,400,000
Missile Procurement, Air Force	1984/86	15,000,000
Other Procurement, Air Force	1984/86	14,500,000.

The foregoing prior year unobligated balances shall remain available only for obligation for transfers or reprogrammings or for the procurement of twenty-one additional operational MX missiles. These prior year unobligated balances may not be obligated or become available for the procurement of twenty-one additional operational MX missiles unless after March 1, 1985—

(a) the President submits to Congress a report described under section 110(e) of the Department of Defense Authorization Act, 1985;

(b) a joint resolution approving authorization of obligation of funds for additional MX missiles is enacted as provided in section 110(d)(1) of the Department of Defense Authorization Act, 1985; and

(c) a joint resolution further approving the obligation and availability of those prior year unobligated balances is enacted as provided for in this proviso:

(1) For the purposes of clause (c), "joint resolution" means only a joint resolution introduced after the date on which the report of the President described under section 110(e) of the Department of Defense Authorization Act, 1985, is received by Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the obligation and availability of prior year unobligated balances made available for fiscal year 1985 for the procurement of additional operational MX missiles.".

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Appropriations of the Senate.

(3) The committee to which is referred a resolution described in paragraph (1) may not report such resolution in less than eight calendar days after its introduction. If a committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identi-

cal resolution) at the end of fifteen calendar days after its introduction or at the end of the second day after the House involved has voted on final passage of a joint resolution approving the further obligation of funds for the procurement of operational MX missiles as provided for in section 110(d)(1) of the Department of Defense Authorization Act, 1985, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) Subject to subparagraph (B), when the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Notwithstanding subparagraph (A), it is not in order to consider a resolution described in paragraph (1) unless a resolution has been agreed to in the House involved as provided in section 110(d)(1) of the Department of Defense Authorization Act, 1985.

(C) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable but such motion shall not be in order in the Senate until after five hours of debate. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(D) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(E) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) If, before the passage by the Senate of a resolution of the Senate described in paragraph (1), the Senate receives from the House of Representatives a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on final passage shall be on the resolution of the House.

(C) Upon disposition of the resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(6) If the Senate receives from the House of Representatives, a resolution described in paragraph (1) after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(7) This proviso is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(8) Section 110(d)(1) of the Department of Defense Authorization Act, 1985, as approved by Congress on September 27, 1984, is amended by deleting the word "appropriated" and inserting in lieu thereof the word "available".

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand eight hundred and ninety-eight passenger motor vehicles of which one thousand six hundred and forty-seven shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $8,861,697,000; to remain available for obligation until September 30, 1987. $8,861,697,000

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, and other procurement for the reserve components of the Armed Forces, not to exceed $380,000,000 to remain available until September 30, 1987, distributed as follows: Army National Guard, not to exceed $150,000,000; Air National Guard, not to exceed $20,000,000; Naval Reserve, not to exceed $20,000,000; Marine Corps Reserve, not 380,000,000 to exceed $30,000,000; Army Reserve, not to exceed $150,000,000; and Air Force Reserve, not to exceed $10,000,000.

Procurement, Defense Agencies

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one hundred and thirty-two passenger motor vehicles of which one hundred and twenty-seven shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,165,701,000, to remain available for obligation until September 30, 1987. $1,165,701,000

Defense Production Act Purchases

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $10,000,000, to remain available for obligation until September 30, 1987. 10,000,000

[Total, title III, Procurement:
[New budget (obligational) authority (all definite appropriations) .... $97,111,404,000.]
[By transfer .... 1,536,300,000.]

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,349,015,000, of which $13,338,000 is available only for activities relevant to approving the 120-millimeter mortar for service use, to remain available for obligation until September 30, 1986. 4,349,015,000

Research, Development, Test, and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,172,622,000, of which $29,941,000 is available only for the Low Cost Anti-Radiation Seeker Program, to remain available for obligation until September 30, 1986: *Provided,* That none of the funds appropriated by this Act for the new design attack submarine may be obligated or expended unless and until the Secretary of the Navy provides to the Committees on Appropriations and Armed Services of the Senate and House of Representatives written certification that, based on current national intelligence estimates approved by the Director of Central Intelligence, the new design attack submarine will be capable under operational conditions of engaging the known Soviet submarine threat. 9,172,622,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,424,147,000, of which $82,698,000 is available only for the Engine Model Derivative Program, and $3,000,000 is available only for the Low Cost Anti-Radiation Seeker Program, to remain available for obligation until September 30, 1986. $13,424,147,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,182,287,000, of which $10,000,000 is available only for the adapting of free electron laser technology to biomedical and materials science research, to remain available for obligation until September 30, 1986: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred. 4,182,287,000

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $59,000,000, to remain available for obligation until September 30, 1986. 59,000,000

[*Total, title IV, Research, Development, Test, and Evaluation, new budget (obligational) authority (all definite appropriations), $31,187,071,000.*]

TITLE V

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $8,650,000, to remain available for obligation until September 30, 1986: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies. 8,650,000

[*Total, title V, Special Foreign Currency Program, new budget (obligational) authority, (all definite appropriations), $8,650,000.*]

TITLE VI

REVOLVING AND MANAGEMENT FUNDS

ARMY STOCK FUND

For the Army stock fund; $366,448,000.	$366,448,000

NAVY STOCK FUND

For the Navy stock fund; $473,307,000.	473,307,000

MARINE CORPS STOCK FUND

For the Marine Corps stock fund; $34,908,000.	34,908,000

AIR FORCE STOCK FUND

For the Air Force stock fund; $548,593,000.	548,593,000

DEFENSE STOCK FUND

For the Defense stock fund; $130,700,000.	130,700,000

[Total, title VI, Revolving and Management Funds, new budget (obligational) authority (all definite appropriations), $1,553,956,000.]

TITLE VII

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $20,797,000.	20,797,000

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $99,300,000.	99,300,000

[Total, title VII, Related Agencies, new budget (obligational) authority (all definite appropriations), $120,097,000.]

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 8002. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8003. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

SEC. 8004. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 8005. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) expenses in connection with administration of occupied areas; (c) payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of the Act of July 9, 1942 (56 Stat. 654; 43 U.S.C. 315q), rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a), and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; (l) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle; (m) payment of unusual cost overruns incident to ship overhaul, maintenance, and repair for ships inducted into industrial fund activities or contracted for in prior fiscal years: *Provided*, That the Secretary of Defense shall notify the Congress promptly prior to obligation of any such payments; (n) payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations, for such work either inducted into the industrial fund activity or contracted for in that fiscal year; and (o) payments for depot maintenance contracts for twelve months beginning at any time during the fiscal year.

SEC. 8006. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by section 7208 of title 10, United States Code; (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; and (k) carrying out section 10 of the Act of September 23, 1950, as amended.

SEC. 8007. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 8008. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 8009. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of section 1512 of title 31, United States Code, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 8010. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided,* That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further,* That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further,* That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Sec. 8011. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Sec. 8012. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds for military personnel.

Sec. 8013. Vessels under the jurisdiction of the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Sec. 8014. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army, or to the appropriations provided in this Act for Claims, Defense, or for Environmental Restoration, Defense.

Sec. 8015. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided,* That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further,* That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 8016. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

SEC. 8017. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E–5 or higher with less than 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training: *Provided,* That the foregoing limitation shall not apply to the Program for Afloat College Education.

SEC. 8018. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 8019. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000 shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided,* That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further,* That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further,* That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $4,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further,* That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 2.2 per centum: *Provided further,* That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 8020. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period appropriate duty.

SEC. 8021. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901 of title 5, United States Code.

SEC. 8022. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $12,700,000 for the current fiscal year: *Provided,* That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense: *Provided further,* That costs for military retired pay accrual shall be included within this limitation.

SEC. 8023. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided,* That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

SEC. 8024. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

(TRANSFER OF FUNDS)

$1,200,000,000 (transfer authority)

SEC. 8025. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

(TRANSFER OF FUNDS)

SEC. 8026. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8027. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 8028. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

SEC. 8029. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects: *Provided*, That this limitation shall not apply to measures intended to be beneficial to the recipient and consent is obtained from the recipient or a legal representative acting on the recipient's behalf.

SEC. 8030. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprograming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprograming is requested has been denied by the Congress.

SEC. 8031. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence: *Provided*, That the foregoing limitation shall not apply to payments that supplement primary coverage provided by other insurance plans or programs for inpatient care.

SEC. 8032. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) surgery which improves physical appearance but which is not expected to significantly restore functions including, but not limited to, mammary augmentation, face lifts and sex gender changes except that breast reconstructive surgery following mastectomy and reconstructive surgery to correct serious deformities caused by congenital anomalies, accidental injuries and neoplastic surgery are not excluded; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code: *Provided*, That any changes in availability of funds for the program made in this Act from those in effect prior to its enactment shall be effective for care received following enactment of this Act.

SEC. 8033. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

SEC. 8034. None of the funds appropriated by this Act may be used to support more than three hundred enlisted aides for officers in the United States Armed Forces.

SEC. 8035. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $43,400,000: *Provided*, That costs for military retired pay accrual shall be included within this limitation.

SEC. 8036. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

SEC. 8037. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1983, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 8038. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate Government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of 50 per centum of the total number of the basic administrative work weeks during the current fiscal year.

SEC. 8039. (a) During the current fiscal year and hereafter, none of the assets of the Department of Defense Military Retirement Fund shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of the title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further*, That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) During the current fiscal year and hereafter, none of the assets of the Department of Defense Military Retirement Fund shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

SEC. 8040. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for: (a) funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1986; and (b) funds appropriated for Headquarters Construction, which shall remain available until September 30, 1989.

Sec. 8041. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorized the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

Sec. 8042. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

Sec. 8043. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Sec. 8044. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Sec. 8045. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

Sec. 8046. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Sec. 8047. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code, and any such contract entered into by the Department of Defense may provide that appropriate fees charged by the contractor under the contract to recover indebtedness may be payable from amounts collected by the contractor to the extent and under the conditions provided under the contract.

Sec. 8048. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Sec. 8049. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided,* That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the

United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 8050. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

SEC. 8052. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for major systems unless specifically provided herein. For purposes of this provision, a major system is defined as a system or major assembly thereof whose eventual total expenditure for research, development, test, and evaluation is more than $200,000,000, or whose eventual total expenditure for procurement is more than $1,000,000,000.

SEC. 8053. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allowance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence: *Provided,* That if an enlisted member is in a travel status and is not entitled to receive a per diem in lieu of subsistence because the member is furnished meals in a Government mess, funds available to pay the basic allowance for subsistence to such a member shall not be used to pay that allowance, or pro rata portion of that allowance, for each day, or portion of a day, that such enlisted member is furnished meals in a Government mess.

SEC. 8054. During the current fiscal year and hereafter, none of the assets of the Department of Defense Military Retirement Fund shall be available to pay the retired pay or retainer pay of a member of the Armed Forces for any month who, on or after January 1, 1982, becomes entitled to retired or retainer pay, in an amount that is greater than the amount otherwise determined to be payable after such reductions as may be necessary to reflect adjusting the computation of retired pay or retainer pay that includes credit for a part of a year of service to permit credit for a part of a year of service only for such month or months actually served: *Provided,* That the foregoing limitation shall not apply to any member who before January 1, 1982: (a) applied for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve; (b) is being processed for retirement under the provisions of chapter 61 of title 10 or who is on the temporary disability retired list and thereafter retired under the provisions of sections 1210 (c) or (d) of title 10; or (c) is retired or in an inactive status and would be eligible for retired pay under the provisions of chapter 67 of title 10, but for the fact that the person is under sixty years of age.

SEC. 8055. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 8056. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets: *Provided*, That the foregoing limitation shall not apply with respect to any item of equipment or materiel which is maintained in the inventories of the Active and Reserve Forces at levels of at least 70 per centum of the established requirements for such an item of equipment or materiel for the Active Forces and 50 per centum of the established requirement for the Reserve Forces for such an item of equipment or materiel: *Provided further*, That no additional commitments to the establishment of POMCUS sites shall be made without prior approval of Congress.

SEC. 8057. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated defense plant manufacturing large caliber cannons.

(TRANSFER OF FUNDS)

SEC. 8058. None of the funds appropriated in this Act may be made available through transfer, reprograming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8059. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

SEC. 8060. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8061. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within states which are Signatories to the Warsaw Pact.

SEC. 8062. None of the funds appropriated by this Act may be used to appoint or compensate more than 37 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312–5316 of title 5, United States Code).

SEC. 8063. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programed to be occupied by, (civilian) military technicians of the component concerned, below 62,410: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 37,957 positions in support of the Army Reserve, Army National Guard or Air National Guard occupied by, or programed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard or Air National Guard.

SEC. 8064. (a) The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1985 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1985, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1986 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1986 Department of Defense budget request shall be prepared and submitted to the Congress as if sections (a) and (b) of this provision were effective with regard to fiscal year 1986.

(TRANSFER OF FUNDS)

SEC. 8065. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

SEC. 8066. (a) During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(b) The prohibition concerning Nicaragua contained in subsection (a) shall cease to apply if, after February 28, 1985—

(1) the President submits to Congress a report—

(A) stating that the Government of Nicaragua is providing materiel or monetary support to anti-government forces engaged in military or paramilitary operations in El Salvador or other Central American countries;

(B) analyzing the military significance of such support;

(C) stating that the President has determined that assistance for military or paramilitary operations prohibited by subsection (a) is necessary;

(D) justifying the amount and type of such assistance and describing its objectives; and

(E) explaining the goals of United States policy for the Central American region and how the proposed assistance would further such goals, including the achievement of peace and security in Central America through a comprehensive, verifiable and enforceable agreement based upon the Contadora Document of Objectives; and

(2) a joint resolution approving assistance for military or paramilitary operations in Nicaragua is enacted.

(c)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress the matter after the resolving clause of which is as follows: "That the Congress approves the obligation and expenditure of funds available for fiscal year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.".

(2) The report described in subsection (b)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Appropriations of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

(4) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of fifteen calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(6) If, before the passage by the Senate of a resolution of the Senate described in paragraph (1), the Senate receives from the House of Representatives a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on final passage shall be on the resolution of the House.

(C) Upon disposition of the resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(7) If the Senate receives from the House of Representatives a resolution described in paragraph (1) after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(8) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(d) During fiscal year 1985 funds approved by the resolution described in subsection (b)(2) for the purpose of supporting, directly or indirectly, military or paramilitary operations in Nicaragua, shall not exceed $14,000,000.

Sec. 8067. So far as may be practicable, Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense: *Provided*, That the products must meet pre-set contract specifications.

Sec. 8068. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit such leasing when specifically authorized in a subsequent Act of Congress.

Sec. 8069. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

Sec. 8070. No funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of eighteen months or more, inclusive of any option for contract extension or renewal, for any vessels, aircraft or vehicles, through a lease, charter, or similar agreement without prior congressional approval of appropriations. Further, any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

SEC. 8071. None of the funds appropriated by this Act may be obligated or expended on a Department of Defense contract for commercial or commercial-type products if the solicitation excludes any small business concern (as defined pursuant to section 3 of the Small Business Act) that cannot demonstrate that its product is accepted in the commercial market (except to the extent that may be required to evidence compliance with the Walsh-Healey Public Contracts Act).

SEC. 8072. None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

SEC. 8073. None of the funds made available by this Act shall be available to operate in excess of 247 commissaries in the contiguous United States.

SEC. 8074. None of the funds provided in this Act shall be used to procure aircraft ejection seats manufactured in any foreign nation that does not permit United States manufacturers to compete for ejection seat procurement requirements in that foreign nation. This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States.

SEC. 8075. No more than $197,800,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

SEC. 8076. None of the funds appropriated by this Act should be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8077. None of the funds appropriated by this Act may be obligated or expended to adjust a base period under section 1079(h)(2) of title 10, United States Code, more frequently than the Secretary of Defense considers appropriate.

SEC. 8078. None of the funds hereafter available to the Department of Defense shall be used to adjust any contract price for amounts set forth in any shipbuilding claim, request for equitable adjustment, or demand for payment incurred due to the preparation, submission, or adjudication of any such shipbuilding claim, request, or demand under a contract entered into after the date of enactment of this Act arising out of events occurring more than eighteen months prior to the submission of such shipbuilding claim, request, or demand. For the purposes of this section, requirement for submission of a shipbuilding claim, request, or demand is met only when the certification required in section 6(c)(1) of the Contract Disputes Act of 1978 and supporting data are provided.

SEC. 8079. None of the funds appropriated by this Act shall be used for the transfer of the Department of Defense Dependents Schools (DODDS) to the Department of Education, as prohibited by section 1223 of the Department of Defense Authorization Act, 1984.

SEC. 8080. No part of the funds appropriated herein shall be available for the purchase of more than 50 per centum of the fiscal year requirements for aircraft power supply cable assemblies of each military facility from industries established pursuant to title 18, United States Code: *Provided,* That the restriction contained herein shall not apply to small purchases in amounts not exceeding $10,000.

SEC. 8081. None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided,* That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. 8082. None of the funds appropriated by this Act shall be obligated under the competitive rate program of the Department of Defense for the transportation of household goods to or from Alaska and Hawaii.

SEC. 8083. None of the funds made available by this Act shall be used to initiate full-scale engineering development of any major defense acquisition program until the Secretary of Defense has provided to the Committees on Appropriations of the House and Senate—

(a) a certification that the system or subsystem being developed will be procured in quantities that are not sufficient to warrant development of two or more production sources, or

(b) a plan for the development of two or more sources for the production of the system or subsystem being developed.

SEC. 8084. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

SEC. 8085. Within the funds made available under title II of this Act, the military departments may use such funds as necessary, but not to exceed $4,700,000, to carry out the provisions of section 430 of title 37, United States Code: *Provided,* That none of the funds appropriated to the Department of Defense for the travel and transportation of dependent students of military personnel stationed overseas shall be obligated for a transportation allowance for travel within or between the contiguous United States.

SEC. 8086. Within funds available under title II of this Act, but not to exceed $100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense may, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States, who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than two hundred miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents or brothers and sisters, as the case may be, are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

SEC. 8087. Notwithstanding any other provision of this Act, no funds appropriated by this Act shall be expended for the research, development, test, evaluation or procurement for integration of a nuclear warhead into the Joint Tactical Missile System (JTACMS).

SEC. 8088. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8089. Of the funds made available to the Department of the Air Force in this Act, not less than $3,000,000 shall be available for the Civil Air Patrol.

SEC. 8090. Funds appropriated by this Act may be used by the Department of the Navy for the use of helicopters and motorized equipment at China Lake Naval Weapons Center for removal of feral burros and horses.

SEC. 8091. On or after June 30, 1985, none of the funds appropriated by this Act shall be available to execute an agreement for continuation pay authorized under section 311 of title 37, United States Code, with an officer of the Army or Navy in the Dental Corps or an officer of the Air Force designated as a dental officer who is serving in a dental specialty which is manned in excess of 95 per centum of the authorized strength for that specialty: *Provided*, That an agreement for such continuation pay may be executed with such an officer if the agreement provides that such officer will receive only 50 per centum of the amount of the continuation pay to which the officer would otherwise be entitled under section 311 of title 37: *Provided further*, That the foregoing limitation shall cease to be applicable upon the enactment of legislation repealing or amending the continuation pay provisions currently authorized by section 311 of title 37.

(TRANSFER OF FUNDS)

SEC. 8092. Not to exceed $100,000,000 may be transferred from the appropriation "Operation and Maintenance, Defense Agencies" to operation and maintenance appropriations under the military departments in connection with demonstration projects authorized by section 1092 of title 10, United States Code: *Provided*, That the Secretary of Defense shall promptly notify the Congress of any such transfer of funds under this provision: *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act.

SEC. 8093. The eleven sets of excess Navy quarters and related facilities on a six-acre site at the former Brooklyn Naval Shipyard shall be transferred at no cost to the Secretary of the Army for use by the Army National Guard.

SEC. 8094. None of the funds available for Defense installations in Europe shall be used for the consolidation or conversion of heating facilities to district heating distribution systems in Europe: *Provided*, That those facilities identified by the Department of the Army as of September 24, 1984, as being in advanced stages of negotiations shall be exempt from such provision upon written notification to the Committees on Appropriations of the House of Representatives and the Senate from the Department justifying the conversion for each facility.

SEC. 8095. Section 7309(a) of title 10, United States Code, is amended—

(1) by inserting "and no vessel of any other military department," after "no naval vessel,"; and

(2) by striking out "a naval" and inserting in lieu thereof "any such".

SEC. 8096. It is the sense of the Congress that the Secretary of Defense should formulate and carry out a program under which contracts awarded by the Department of Defense in fiscal year 1985 would, to the maximum extent practicable and consistent with existing law, be awarded to contractors who agree to carry out such contracts in labor surplus areas (as defined and identified by the Department of Labor).

SEC. 8097. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after November 1, 1983, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)), which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 8098. It is the sense of the Congress that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our Nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

SEC. 8099. None of the funds available to the Department of Defense shall be obligated or expended to contract out any activity currently performed by the Defense Personnel Support Center in Philadelphia, Pennsylvania: *Provided,* That this provision shall not apply after notification to the Committees on Appropriations of the House of Representatives and the Senate of the results of the cost analysis of contracting out any such activity.

SEC. 8100. (a) Notwithstanding any other provision of law, none of the funds appropriated or made available in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States;

(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons; and

(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

(b) During fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warhead may not be used to conduct more than three tests of that warhead against objects in space.

(c) The limitation on the expenditure of funds provided by subsection (a) of this section shall cease to apply fifteen calendar days after the date of the receipt by Congress of the certification referred to in subsection (a) or March 1, 1985, whichever occurs later.

SEC. 8101. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

Sec. 8102. None of the funds appropriated by this Act shall be available to compensate foreign selling costs as described in Federal Acquisition Regulation 31.205-38(b) as in effect on April 1, 1984.

Sec. 8103. Of the funds appropriated for the operation and maintenance of the Armed Forces, obligations may be incurred for humanitarian and civic assistance costs incidental to authorized operations, and these obligations shall be reported to Congress on September 30, 1985: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance in the Trust Territories of the Pacific Islands by using Civic Action Teams.

Sec. 8104. It is the sense of the Congress that—(a) the President shall inform and make every effort to consult with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning the research being conducted in the Strategic Defense Initiative program. (b) The Secretary of Defense, in coordination with the Secretary of State and the Director of the Arms Control and Disarmament Agency, shall at the time of the submission of the annual budget presentation materials for each fiscal year beginning after September 30, 1984, report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives on the status of the consultations referred to under subsection (a).

Sec. 8105. It is the sense of Congress that the President should insist that the pertinent member nations of the North Atlantic Treaty Organization meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least 3 per centum real growth and should insist that Japan further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

Sec. 8106. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

Sec. 8107. None of the funds available to the Department of Defense may be used to transport any chemical munitions into the Lexington-Blue Grass Army Depot for purposes of future demilitarization.

Sec. 8108. Notwithstanding any other provision of law, including any amendments to section 405 of title 37, United States Code, enacted into law between September 26, 1984, and November 25, 1984, a station housing allowance ("rent plus") may be prescribed for a member of the uniformed services on duty in Alaska or Hawaii pursuant to the provisions of section 405 of title 37, United States Code, in effect on September 1, 1984: *Provided*, That a member of the uniformed services on duty in Alaska or Hawaii who receives such allowance shall not be entitled to a variable housing allowance.

SEC. 8109. Notwithstanding any other provision of law, in addition to the contracts authorized by paragraph (7) of section 2828(g) of title 10, United States Code, and section 806 of Public Law 98–407, the Secretary of the Army may enter into contracts for not more than one thousand two hundred family housing units at Fort Drum, New York; Fort Wainwright, Alaska; and Fort Benning, Georgia; if the contracts are necessary in order to provide sufficient family housing to accommodate the restationing of the light infantry divisions.

SEC. 8110. Notwithstanding any other provision of law, none of the funds appropriated in title II of this Act shall be available to meet the unforeseen and contingent requirement of the unified and specified commands of the Armed Forces: *Provided*, That this provision shall not apply to unforeseen and contingent requirements of the unified and specified commands of the Armed Forces which may be funded under the terms and conditions of this bill governing title II obligations and expenditures.

SEC. 8111. None of the funds appropriated by this Act may be obligated or expended for the purposes delineated in section 1002(e)(2)(A) of the Department of Defense Authorization Act, 1985, without the prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8112. (a) Notwithstanding any other provision of this joint resolution, of the total amount appropriated by this joint resolution, or any other Act appropriating funds for the Department of Defense for fiscal year 1985, for programs and activities subject to the reporting requirements of the Federal Procurement Data System Individual Contract Action Report (SF-279), an amount not less than $1,000,000,000 may not be apportioned or utilized for the costs of consultants, studies, analyses, management support services or other advisory and assistance services which are included in such reported programs and activities.

(b) Not later than September 1, 1985, the Secretary of Defense shall submit a report to the Congress indicating the manner in which compliance with subsection (a) has been achieved.

SEC. 8113. The Secretaries concerned (as defined in section 101(5) of title 37, United States Code), under uniform regulations prescribed by them and to the extent that funds are available within the permanent change of station travel account, may increase the rate per mile for mileage allowance under section 404(d)(2) of title 37, United States Code, to 15 cents per mile.

SEC. 8114. (a) The Secretary of Defense shall provide for an objective study to supplement and update the report entitled "Military Spouse and Family Issues, Europe, 1982."

(b) The study shall include within its scope all areas in which members of the uniformed services are assigned to permanent duty stations and to which the dependents of members of the uniformed services are permitted to travel at Government expense.

(c) The Secretary shall select an independent organization to conduct the study referred to in subsection (a) with such administrative support and technical advice as may be necessary for such organization to carry out the study. Such support and advice may be provided by the Secretary on an in-house basis and to reduce contractual expenditures to include collating, tabulating, computer, word processor, printing, and similar routine services.

(d) A report containing the results of the study carried out under this section shall be submitted to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives not later than May 1, 1985.

(e) For the purpose of contracting out the study called for by this section, the Secretary of Defense may utilize not more than $250,000 out of any funds available to the Department of Defense.

This Act may be cited as the "Department of Defense Appropriations Act, 1985".

[*Total, Department of Defense Appropriations, 1985:*
[*New budget (obligational) authority (all definite appropriations)* .... *$274,398,173,000.*]
[*By transfer* .... *1,536,300,000.*]
[*Transfer authority* .... *1,200,000,000.*]

(i) Such amounts as may be necessary for projects or activities provided for in the Department of Transportation and Related Agencies Appropriations Act, 1985, at a rate for operations and to the extent in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

(Department of Transportation and Related Agencies Appropriations Act, 1985)

AN ACT

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Salaries and Expenses

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $36,500 for allocation within the Department of official reception and representation expenses as the Secretary may determine, $50,000,000, of which $4,000,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided,* That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act, may be used for business opportunities related to any mode of transportation.

$50,000,000

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, $5,700,000: *Provided,* That the Secretary is directed to make simultaneous competitive study awards for the Phase I proposals, as submitted by the two technically qualified finalists in the competition to perform a methane conversion study, as authorized by section 152 of the Surface Transportation Assistance Act of 1982.

5,700,000

Limitation on Working Capital Fund

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $65,500,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

65,500,000 (limitation on working capital fund)

[*Total, Office of the Secretary, $55,700,000.*]

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; and recreation and welfare, $1,740,000,000, of which $202,861 shall be applied to **Capehart Housing debt reduction:** *Provided,* **That the number of aircraft on hand at any one time shall not exceed two hundred and ten exclusive of planes and parts stored to meet future attrition:** *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation. $1,740,000,000 −202,861 *(debt reduction)*

[*Total, Operating Expenses (net), $1,739,797,139.*]

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1989, $344,500,000: *Provided,* That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further,* That any such written warranty shall not apply in the case of any system or component thereof which has been furnished by the Government to a contractor: *Provided further,* That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further,* That the requirements for such written warranties shall not cover combat damage. 344,500,000

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $5,200,000, to remain available until expended. 5,200,000

RETIRED PAY

For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), $330,800,000. 330,800,000

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $58,833,000. 58,833,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $23,000,000, to remain available until expended: *Provided,* That there may be credited to this appropria- 23,000,000 tion funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), $1,000,000, to be derived from the Offshore Oil Pollution Compensation Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1985 for the "Offshore Oil Pollution Compensation Fund".

$1,000,000

(indefinite borrowing authority)

60,000,000 (limitation on obligations)

DEEPWATER PORT LIABILITY FUND

For necessary expenses to carry out the provisions of section 18 of the Deepwater Port Act of 1974 (Public Law 93-627), $1,000,000, to be derived from the Deepwater Port Liability Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $50,000,000 in fiscal year 1985 for the "Deepwater Port Liability Fund".

1,000,000

(indefinite borrowing authority)

50,000,000 (limitation on obligations)

NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred for recreational boating safety assistance under Public Law 92-75, as amended, $13,625,000, to be derived from the National Recreational Boating Safety and Facilities Improvement Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $13,750,000 in fiscal year 1985 for recreational boating safety assistance: *Provided further*, That no obligations may be incurred for the improvement of recreational boating facilities.

13,625,000 (liquidation of contract) authorization)

13,750,000 (limitation on obligations)

[*Total, Coast Guard (net),* [1]*$2,504,130,139.*]

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, personnel, legal, public affairs, and executive direction for the Federal Aviation Administration, $66,900,000: *Provided*, That the Secretary of Transportation is authorized to transfer ap-

66,900,000

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[1] Excludes $2,000,000 appropriated for Coast Guard under Sec. 125G of this act (see p. 408, this volume).

propriated funds between this appropriation and the Federal Aviation Administration appropriation for Operations: *Provided further*, That this appropriation shall be neither increased nor decreased by more than 7.5 per centum by any such transfers: *Provided further*, That any such transfers shall be reported to the Committees on Appropriations.

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; purchase of four passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes, $2,622,600,000, of which not to exceed $1,110,000,000 shall be derived from the Airport and Airway Trust Fund, notwithstanding any other provision of law: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program. $2,622,600,000

[*Total, Operations and Headquarters administration, $2,689,500,000.*]

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, and the lease or purchase of one aircraft; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1989, $1,370,000,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That of the funds available under this heading, $5,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges to conduct demonstration projects in the development, advancement, or expansion of an airway science curriculum and such money, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transporation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with the airway science curriculum. 1,370,000,000

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $265,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

$265,000,000

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $810,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $925,000,000 in fiscal year 1985 for grants-in-aid for airport planning and development, and noise planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982.

810,000,000 (liquidation of contract authorization)
925,000,000 (limitation on obligations)

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police use, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, $35,931,500: *Provided*, That there may be credited to this appropriation funds received from air carriers, concessionaires, and non-Federal tenants sufficient to cover utility and fuel costs which are in excess of $6,970,000: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally owned civil airports.

35,931,500

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $13,000,000, to remain available until September 30, 1987.

13,000,000

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). The aggregate amount of such obligations during fiscal year 1985 shall not exceed $125,000,000. Such obligations shall be redeemed by the Secretary from appropriations authorized by this action. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchase, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

$125,000,000 (limitation on borrowing authority)

[*Total, Federal Aviation Administration, $4,373,431,500.*]

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed $204,891,000, shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That not to exceed $57,750,000 of the amount provided herein shall remain available until expended: *Provided further,* That, of the funds available under this limitation, $5,000,000 shall be made available only for the establishment and implementation of a Demonstration Bonding Program for economically and socially disadvantaged businesses: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities and private sources, for training expenses incurred for non-Federal employees.

204,891,000 (limitation on expenses)

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $8,500,000. 8,500,000

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurrred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $5,000,000 to be derived from the Highway Trust Fund: *Provided,* That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $10,000,000 in fiscal year 1985 for "Highway-related safety grants".

5,000,000 (liquidation of contract authorization)

10,000,000 (limitation on obligations)

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $15,000,000, of which $10,000,000 shall be derived from the Highway Trust Fund.

$15,000,000

INTERMODAL URBAN DEMONSTRATION PROJECT

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $2,750,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1987.

2,750,000

AUTO-PEDESTRIAN SEPARATION DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project in Fargo, North Dakota, which demonstrates a cost-effective method for enhancing pedestrian safety, $1,750,000, to remain available until expended.

1,750,000

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $12,800,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $13,250,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1985, except that this limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, obligations under section 157 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, section 320 of title 23, United States Code, or completion of the Zilwaukee Bridge required because of construction failure.

12,800,000,000 (liquidation of contract authorization)

13,250,000,000 (limitation on obligations)

RIGHT-OF-WAY REVOLVING FUND (LIMITATION ON DIRECT LOANS) (TRUST FUND)

During fiscal year 1985 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $50,000,000.

50,000,000 (limitation on direct loans)

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-940), $14,066,000, of which $1,162,000 shall remain available until expended, and not to exceed $1,601,000 shall be available for "Limitation on general operating expenses".

14,066,000

MOTOR CARRIER SAFETY GRANTS

For necessary expenses to carry out the provisions of section 402 of Public Law 97-424, $14,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1988.

$14,000,000

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For necessary expenses of certain Access Highway Projects, as authorized by section 155, title 23, United States Code, $5,000,000.

5,000,000

WASTE ISOLATION PILOT PROJECT ROADS

For necessary expenses in connection with the upgrading of certain highways for the transportation of nuclear waste generated during defense-related activities, not otherwise provided for, $16,400,000 to remain available until expended.

16,400,000

[*Total, Federal Highway Administration,* [1]*$77,466,000.*]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATION AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), $82,350,000, of which $23,831,000 shall be derived from the Highway Trust Fund: *Provided,* That not to exceed $34,128,000 shall remain available until expended, of which $10,000,000 shall be derived from the Highway Trust Fund.

82,350,000

HIGHWAY TRAFFIC SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

(INCLUDING TRANSFERS OF UNEXPENDED BALANCES)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 406 and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, $125,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs, the total obligations for which are in excess of $100,000,000 in fiscal year 1985 for "State and community highway safety" authorized under 23 U.S.C. 402: *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs, the total obligations for which are in excess of $50,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs authorized by section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $5,000,000 in fiscal years 1983, 1984, and 1985: *Provided further,* That not to exceed $4,900,000 shall be available for administering the provisions of 23 U.S.C. 402: *Provided further,* That, for fiscal year 1985, no State shall obligate less than 8 per centum of the amount distributed to such State for State and Community Highway Safety grants authorized under 23 U.S.C. 402 for the purposes of developing and implementing comprehensive programs approved by the Secretary of Transportation concerning the use of child restraint systems in motor vehicles: *Provided further,* That the unexpended balances of the appropriations "State and Community Highway Safety" and "Miscellaneous

125,000,000 (liquidation of contract authorization)

50,000,000 (limitation on obligations)

5,000,000 (cumulative limitation on obligations for fiscal years 1983, 1984 and 1985)

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[1] Excludes $12,000,000 appropriated for Federal Highway Administration under Sec. 125D of this act (see p. 408, this volume).

Safety Programs" exclusive of the General Fund amounts appropriated to cover unexpended Territorial obligations and unexpended Transportation Systems Management obligations shall be transferred to this appropriation and remain available until expended.

[Total, National Highway Traffic Safety Administration, $82,350,000.]

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $10,700,000. $10,700,000

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $26,061,000. 26,061,000

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $15,525,000, to remain available until expended. 15,525,000

RAIL SERVICE ASSISTANCE

For necessary expenses for rail service assistance authorized by section 5 of the Department of Transportation Act, as amended, for Washington Union Station, as authorized by Public Law 97-125, and for necessary administrative expenses in connection with Federal rail assistance programs not otherwise provided for, to remain available until expended, $23,200,000: *Provided,* That none of the funds provided under this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That none of the funds in this Act shall be available for the acquisition, sale or transference of Washington Union Station without the prior approval of the House and Senate Committees on Appropriations: *Provided further,* That, of the funds available under this head, $15,000,000 shall be available for allocation to the States under section 5(h)(2) of the Department of Transportation Act, as amended: *Provided further,* That, notwithstanding any other provision of law, a State may not apply for fiscal year 1985 funds available under section 5(h)(2) until such State has expended all funds granted to it in the fiscal years prior to the beginning of fiscal year 1980, other than funds not expended due to pending litigation: *Provided further,* That a State denied funding by reason of the immediately preceding proviso may still apply for and receive funds for planning purposes: *Provided further,* That, notwithstanding any other provision of law, of the funds available under section 5(h)(2), $10,000,000 shall be made available for use under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, nothwithstanding the limitations set forth in section 5(h)(3)(B)(ii). 23,200,000

CONRAIL LABOR PROTECTION

For labor protection as authorized by section 713 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, to remain available until expended, $15,000,000: *Provided*, That such sum shall be considered to have been appropriated to the Secretary under said section 713 for transfer to the Railroad Retirement Board for the payment of benefits under section 701 of the Regional Rail Reorganization Act of 1973, as amended: *Provided further*, That, for the purposes of section 710 of the Regional Rail Reorganization Act of 1973, as added by section 1143 of the Northeast Rail Service Act of 1981, such sum shall be considered to have been appropriated under section 713 of the Regional Rail Reorganization Act of 1973 and counted against the limitation on the total liability of the United States: *Provided further*, That such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board.

$15,000,000

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.), $27,800,000, to remain available until expended: *Provided*, That, nothwithstanding any other provision of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if such action would serve a public purpose: *Provided further*, That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights.

27,800,000

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, $684,000,000: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1985: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements not expressly provided for in an appropriation Act or prohibited by this Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service be-

684,000,000

tween Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvement shall be derived from non-Amtrak sources.

Alaska Railroad Revolving Fund

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager and five officers at not to exceed the salaries prescribed for members of the Senior Executive Service.

Railroad Rehabilitation and Improvement Financing Funds

The total commitments to guarantee new loans pursuant to sections 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, shall not exceed $2,500,000 of contingent liabilities for loan principal during fiscal year 1985: *Provided*, That the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided further*, That the aggregate amount of such notes or other obligations during fiscal year 1985 shall not exceed $100,000,000.

$2,500,000 (limitation on new loan guarantees)

Redeemable Preference Shares

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for uses authorized for the Fund.

[*Total, Federal Railroad Administration, $802,286,000.*]

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $31,000,000.

$31,000,000

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $51,000,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

51,000,000

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $2,449,500,000 to remain available until expended: *Provided*, That funds shall not be made available for planning, preliminary engineering and design, or construction of the proposed light rail line or subway in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law.

2,449,500,000

DISCRETIONARY GRANTS (LIMITATIONS ON OBLIGATIONS)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of $1,120,000,000 in fiscal year 1985 for grants under the contract authority authorized in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.): *Provided*, That this limitation shall not apply to any authority for section 21(a)(2)(B) previously made available for obligation: *Provided further*, That no funds shall be made available for the proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: *Provided further*, That the Woodward line restriction shall not apply to alternatives analysis studies.

1,120,000,000 (limitation on obligations)

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment of obligations incurred in carrying out section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, $450,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

450,000,000 (liquidation of contract authorization)

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $250,000,000, to remain available until expended.

250,000,000

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184, authorizing completion of the 101-mile Adopted

Regional System of rapid rail transit, $250,000,000, to remain available until expended: *Provided*, That in obligating and expending funds appropriated under this section, the Secretary may not withhold approval of any construction grant request solely on the basis of any mileage limitation.

$250,000,000

[*Total, Urban Mass Transportation Administration, $3,031,500,000.*]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the Corporation except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $1,822,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902), and $15,000 for services as authorized by 5 U.S.C. 3109.

1,822,000
(limitation
on expenses)

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, for expenses for conducting research and development and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), $18,900,000, of which $6,975,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

18,900,000

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,900,000.

27,900,000

[*Total, Title I, Department of Transportation:*

[*New budget (obligational) authority (net)*	*$10,973,663,639.*]
[*Appropriations*	*10,973,866,500.*]
[*Debt reduction*	*−202,861.*]
[*Limitations on expenses*	*206,713,000.*]
[*Limitations on borrowing authority*	*125,000,000.*]
[*Limitations on obligations*	*15,483,750,000.*]
[*Limitation on direct loans*	*50,000,000.*]
[*Limitation on new loan guarantees*	*2,500,000.*]
[*Limitation on working capital funds*	*65,500,000.*]
[*Appropriations to liquidate contract authorizations*	*14,203,625,000.*]

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Salaries and Expenses

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,000,000. $2,000,000

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $21,700,000, of which not to exceed $300 may be used for official reception and representation expenses. 21,700,000

CIVIL AERONAUTICS BOARD

Salaries and Expenses

(INCLUDING TRANSFER OF UNEXPENDED BALANCES)

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed $1,250 for official reception and representation expenses, $5,600,000: *Provided,* That of the foregoing amounts any unexpended balances available on January 1, 1985, shall be transferred to agencies receiving transferred functions. 5,600,000

Payments to Air Carriers

(INCLUDING TRANSFER OF UNEXPENDED BALANCES)

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Board, $52,000,000, to remain available until expended and such amounts as may be necessary to liquidate obligations incurred prior to September 30, 1984, under 49 U.S.C. 1376 and 1389 and under Public Law 97-369, "Payments to air carriers": *Provided,* That of the foregoing amount, any unexpended balances available on January 1, 1985, shall be transferred to the Department of Transportation: *Provided further,* That the Board shall expend not to exceed $102,597 per year to restore guaranteed essential air transportation at Hazelton, Pennsylvania, to the minimum level of service of two round trip flights per day, five days per week, to either Philadelphia, Pennsylvania, or New York, New York, as determined by the community. 52,000,000

[*Total, Civil Aeronautics Board, $57,600,000.*]

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $1,500 for official reception and representation expenses, $48,000,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

$48,000,000

PAYMENTS FOR DIRECTED RAIL SERVICE

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $1,000,000 for directed rail service authorized under 49 U.S.C. 11125 or any other legislation.

1,000,000 (limitation on obligations)

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $8,000 for official reception and representation expenses of the Board; operation of guide services; residence for the Administrator; disbursements by the Administrator for employee and community projects; not to exceed $25,000 for official reception and representation expenses of the Administrator; and to employ services as authorized by law (5 U.S.C. 3109); $406,346,000, to be derived from the Panama Canal Commission Fund: *Provided*, That there may be credited to this appropriation funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects and funds received from officers and employees of the Commission and/or commercial insurors of Commission employees for payment to other United States Government agencies for expenditures made for services provided to Commission employees and their dependents by such other agencies.

406,346,000

CAPITAL OUTLAY

For acquisition, construction, replacement, and improvements of facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-four passenger motor vehicles for replacement only; to employ services authorized by law (5 U.S.C. 3109); $23,500,000, to be derived from the Panama Canal Commission Fund and to remain available until expended.

23,500,000

[*Total, Panama Canal Commission, $429,846,000.*]

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, to remain available until expended, $2,100,000, of which not to exceed $500 may be available for official reception and representation expenses.

2,100,000

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $46,175,945: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement. $46,175,945

[*Total, title II, Related Agencies:*

[*New budget (obligational) authority* .... *$607,421,945.*]

[*Limitation on obligations* .... *1,000,000.*]

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds provided under this Act for urban formula grants shall be made available to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall permit an applicant whose existing fare collection system does not reasonably permit the collection of half fares to continue to use a preferential fare system for elderly and handicapped persons which was in effect on or before November 26, 1974, and which incorporates the offering of a free return ride upon payment of the generally applicable full fare, except that such a system may be used after October 1, 1984, only if such system is available for use by all elderly and handicapped persons.

SEC. 306. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 307. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 308. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 309. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation.

SEC. 310. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 311. Notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1985 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1988.

SEC. 312. None of the funds in this or any other Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center.

SEC. 313. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 314. None of the funds in this Act may be used to implement a rulemaking which would lower the annual passenger ceiling at Washington National Airport.

SEC. 315. (a) For fiscal year 1985 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1984, no State shall obligate more than 40 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a

State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code.

(2) after August 1, 1985, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations.

(3) not distribute amounts authorized for administrative expenses and the Federal Lands Highway Programs.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1985".

[Total, Department of Transportation and Related Agencies Appropriations, 1985:

[New budget (obligational) authority	*$11,581,085,584.]*
[Appropriations	*11,581,288,455.]*
[Appropriations for debt reduction	*−202,861.]*
[Limitations on expenses	*206,713,000.]*
[Limitations on borrowing authority	*125,000,000.]*
[Limitations on obligations	*15,484,750,000.]*
[Limitation on direct loans	*50,000,000.]*
[Limitation on new loan guarantees	*2,500,000.]*
[Limitation on working capital fund	*65,500,000.]*
[Appropriations to liquidate contract authorizations	*14,203,625,000.]*

(j) Such sums as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service and General Government Appropriations Act, 1985 (H.R. 5798) to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as passed by the House of Representatives on September 12, 1984, as if enacted into law (with the exception of the provisions involved in amendments numbered 24 and 26 which shall be effective as if enacted into law): *Provided,* That, notwithstanding section 102 of this joint resolution, the Department of the Treasury shall consolidate the operations of the Bureau of Government Financial Operations in accordance with the language concerning amendment numbered 9 in the joint explanatory statement of the committee of conference (H. Rept. 98-993).

$12,766,276,000 *(Treasury, Postal Service, and General Government Appropriations Act, 1985)*

It is the sense of the Congress that—

(1) voter registration drives should be encouraged by governmental entities at all levels; and

(voter registration)

(2) voter registration drives conducted by State governments on a nonpartisan basis do not violate the provisions of the Intergovernmental Personnel Act (42 U.S.C. 4728, 4763).

(k) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1984, under the terms and conditions provided in applicable appropriation Acts for the fiscal year 1984, at the current rate:

Activities under the Public Health Service Act; and [1]79,269,000 *(indefinite)*

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act, title IV and part B of title III of the Refugee Act of 1980, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, except that such activities shall be continued at a rate for operations

444,262,000 *(indefinite)*

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[1] Reflects "current rate" funding for certain programs under "Health resources and services" in the Department of Health and Human Services.

not in excess of the lower of the current rate or the rate authorized by H.R. 3729 as passed the House of Representatives: *Provided*, That such funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act of 1980, but for the application of paragraph (2)(B) thereof;

Foster care and adoption assistance activities under title IV-E of the Social Security Act under the terms and conditions established by sections 474(b) and 474(c) of that Act, and sections 102(a)(1) and 102(c) of Public Law 96-272, as those sections were in effect for fiscal year 1984;

Emergency immigrant education activities authorized by section 101(g) of Public Law 98-151; and

[1] $30,000,000 *(indefinite)*

Activities under the Follow Through Act, except that the annual rate for such activities shall not exceed $10,000,000.

10,000,000

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriation Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1984, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1985, whichever first occurs.

(September 30, 1985, expiration date)

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for fiscal year 1985 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 113. Section 1201(b)(1) of the National Housing Act is amended—

(National Housing Act)

(1) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(2) in subparagraph (A), by inserting after "1985" the following: ", and September 30, 1986, respectively".

SEC. 108. Notwithstanding any other provision of this joint resolution, for an additional amount for "Abatement, control and compliance, Environmental Protection Agency", $13,000,000, to remain available until expended, which shall be available to the city of Akron, Ohio, to refinance the bond debt of the recycle energy system of such city: *Provided*, That such sum may not exceed 60 percent of such debt: *Provided further*, That the facilities of such recycle energy system shall be made available to the Federal Government as a laboratory facility for municipal waste to energy research.

13,000,000

SEC. 108B. For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), $306,600,000 is hereby appropriated for "Loan guaranty revolving fund, Veterans' Administration", to remain available until expended.

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[1] Estimate

$306,600,000

(rent supplement, indefinite rescission of contract authority)

(National Housing Act)

SEC. 109. The penultimate proviso in the paragraph under the heading "Rent Supplement" in the Supplemental Appropriations Act, 1983 (Public Law 98-63, 97 Stat. 301, 320) is amended to read as follows: "*Provided further*, That upon the completion of each contract under such section 101 or 236(f)(2) on behalf of qualified tenants on a State-aided, noninsured rental housing project, the balance of the contract authority provided in appropriation Acts for such contract shall be rescinded:". Any amounts of authority for contracts under section 236 of the National Housing Act (12 U.S.C. 1715z-1) or under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) which would otherwise become available at the time of cancellation of any such contract as a result of a foreclosure action, or a transfer of a deed in lieu of foreclosure, of a State-aided, noninsured rental housing project having any contracts under such sections shall remain available for such project for the balance of the term which remains at the time of cancellation of such a contract as a result of a foreclosure action or such transfer of deed, and the Secretary of Housing and Urban Development shall offer to execute new contracts under such sections, subject to compliance with the requirements of sections 236 (b) and (f)(2) of the National Housing Act, or such section 101, respectively.

(housing programs, District of Columbia)

SEC. 110. The item relating to "Department of Housing and Urban Development—Housing Programs—Annual Contributions for Assisted Housing" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45; 97 Stat. 219, 220), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act or any other law regarding the availability of recaptured budget authority, $9,000,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available only to provide assistance under the new construction program of section 8 of the United States Housing Act of 1937 for 40 dwelling units in the Carmel Plaza North Project Numbered 000-32028-PM/L8, in the District of Columbia, which project was terminated by the Secretary of Housing and Urban Development on July 26, 1984. Such budget authority shall remain available for obligation for fiscal year 1985, and the provisions repealed by section 209(a) of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181; 97 Stat. 1153, 1183) shall remain in effect with respect to such project and budget authority.".

(Rocky River, Ohio wastewater plant)

SEC. 111. The Administrator of the Environmental Protection Agency shall make a grant not to exceed $2,337,000 from construction grant funds allotted to the State of Ohio for fiscal year 1985 to the owners of the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, for reimbursement of such owners for the cost of construction of such plant.

(Small Business Act)

SEC. 111A. (a) The Small Business Act is amended by adding the following new section:

"SEC. 23. Notwithstanding any other provision of law, rule, or regulations, for purposes of section 7(b) of this Act (15 U.S.C. 636(b)), the Administrator shall, with respect to small business concerns involved in the fishing industry, treat the recent El Nino-related ocean conditions as a disaster under such subsection:

"(1) disaster loan assistance shall be provided to the fishing industry pursuant to paragraph (2) of such section—

"(A) the term 'recent El Nino-related ocean conditions' means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

"(B) the term 'fishing industry' means any trade or business involved in (i) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis), (ii) any operation at sea or on land, in preparation for, or substantially dependent upon, the catching, taking, or harvesting of fish, and (iii) the processing or canning of fish (including storage, refrigeration and transportation of fish before processing or canning); and

"(C) the term 'fish' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds; and

"(2) for purposes of paragraphs (2) through (4) of subsection 7(b) of this Act, eligibility of individual applicants shall not in any way be dependent upon the number of disaster victims in any county or other political subdivision."; and

(b) Section 3(j) of such Act is amended by striking all of such subsection after the word "association" in the second sentence thereof and by inserting in lieu thereof "as a business concern and shall not include the income or employees of any member shareholder of such cooperative.".

SEC. 112. The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act, as amended (12 U.S.C. 1715z-1), reduced in fiscal year 1985 by not more than $7,631,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts pursuant to the paragraph under the heading "Rental housing assistance" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371, 98 Stat. 1213, 1215), shall not be reduced by more than $4,331,000 in fiscal year 1985: *Provided*, That $3,300,000 in such uncommitted balances shall be made available in fiscal year 1985 and remain available thereafter until used as needed to replace amounts pooled for interest reduction payments for State-aided, noninsured rental housing projects under such section 236, but used during fiscal year 1982 for amendments to contracts for rental assistance payments.

$3,300,000 (limitation on annual contract authority, indefinite)
95,700,000
(contract authority, indefinite)

SEC. 113. The head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program for the fiscal year 1985 shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject ony to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations on such amount contained in appropriation Acts.

(insured and guaranteed loans)

SEC. 113A. Notwithstanding any other provision of this joint resolution, there is appropriated to the Treasury $300,000,000, to be made available to cover the additional interest expenses incurred on borrowings by the Secretary of Housing and Urban Development from the Treasury that are necessary to extend direct loans to local public housing agencies as authorized under section 4(a) of the United States Housing Act of 1937, for the purposes of financing public housing projects as authorized under section 5(c) of the United States Housing Act of 1937: *Provided*, That the foregoing appropriation shall be available only in connection with additional interest expenses incurred on Treasury borrowings having maturities not in excess of seven months from the date that such borrowings occur: *Provided further*, That no such Treasury borrowings in connection with the foregoing appropriation shall take place after April 3, 1985: *Provided further*, That the foregoing $300,000,000 shall be available until expended on interest incurred pursuant to the Treasury borrowings: *Provided further*, That direct loan proceeds shall be made available for new loan commitments and contract

300,000,000

executions for public housing development, modernization and Indian housing, and for financing of existing contracts: *Provided further,* That notwithstanding section 4 of the United States Housing Act of 1937, or any other provision of law, loans made pursuant to section 4(a) of the United States Housing Act of 1937 by the Secretary of Housing and Urban Development (and Treasury borrowing under section 4(b) of such Act), which are necessary due to the failure to publicly sell tax-exempt public housing agency obligations, shall be at interest rates comparable to the interest rates on such obligations issued by public housing agencies.

[Total, Department of Housing and Urban Development:

[New budget (obligational) authority .... $395,700,000.]

[Appropriation to Treasury......................... 300,000,000.]

[Contract authority .... 95,700,000.]

[Limitation on annual contract authority....... 3,300,000.]

SEC. 114. None of the funds appropriated or made available by this joint resolution or any other Act may be used by the United States Customs Service to propose or promulgate any rule or regulation relating to the subject matter of the Advanced Notice of Proposed Regulations published in the Federal Register on July 21, 1983 (48 Fed. Reg. 33318): *Provided,* That nothing shall prevent the expenditure of funds to propose any rule or regulation relating to duty-free stores which implements or conforms to statutory standards hereafter enacted by Congress.

(Customs Service)

SEC. 115. Section 404 of the Small Business Investment Act of 1958 (15 U.S.C. 694-1) is amended as follows:

(1) by striking out "may be issued" in paragraph (1) of subsection (b) and inserting in lieu thereof "shall be issued";

(2) by inserting before the period at the end of paragraph (1) of subsection (b) the following: ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired"; and

(3) by striking out "exceed 3½ per centum" in subsection (c) and inserting in lieu thereof "be less than 1 per centum or more than 3½ per centum".

(Small Business Investment Act of 1958)

SEC. 116. Of the funds appropriated to the Department of State in Public Law 97-257, Supplemental Appropriations Act, 1982 (96 Stat. 824), $3,500,000 in "Salaries and expenses" and $3,000,000 in "Acquisition, operations and maintenance of buildings abroad" shall remain available until September 30, 1985.

$3,500,000 *(reappropriation)*

3,000,000 *(reappropriation)*

[Total, Department of State (reappropriations), $6,500,000.]

SEC. 117. Notwithstanding any other provision of this joint resolution, the Administrator of the General Services Administration is to provide an additional $3,611,000 from the Federal Buildings Fund for repairs and alterations of the Blair House.

3,611,000 (limitation)

SEC. 118. Notwithstanding any other provision of this joint resolution, $348,000 is appropriated to the State of Arizona to be available for expenses in connection with the San Luis, Arizona Border Station.

348,000 *(to State of Arizona)*

SEC. 119. Pursuant to the recommendation of the United States Claims Court in G.E. Amick, et al. against United States, (a)(1) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the individuals named in subsection (b) the amount set forth opposite the name of each such individual in full settlement of all claims of each such individual against the United States for damages arising in connection with the flooding of certain lands as the result of the unnecessary release of excess amounts of waters from the Stockton Dam and Reservoir during the period from November 1972 through June 1974, at which time such dam and reservoir were in operation under the control of the United States Army Corps of Engineers.

100,753 *(U.S. Claims Court)*

(2) The individuals referred to in subsection (a) and the amounts of money due each such individual are as follows:

R. Dean Dawes of Stockton, Missouri	$2,700
Harlen Chism of Stockton, Missouri	6,596

Ray and Clara Pinkman of Stockton, Missouri	4,211
Perrin Masters of Stockton, Missouri	2,394
Ray M. Pinkman of Stockton, Missouri	3,819
A.W. Spillers of El Dorado Springs, Missouri	3,500
Hester E. Simrell of Stockton, Missouri	2,200
G.E. Amick of El Dorado Springs, Missouri	3,200
T.M. Montgomery of Stockton, Missouri	3,087
T.M. and Berla Montgomery of Stockton, Missouri	190
A.C. and Virginia I. Montgomery of Stockton, Missouri	4,500
Irene Larson of Aurora, Missouri and Virginia Montgomery of Stockton, Missouri	7,796
Ruby Dean Leffler of Stockton, Missouri	4,982
Edward C. and Frances Pyle of Stockton, Missouri	1,545
Gilbert and Pansy Pyle and Ronnie and Kay Pyle of Stockton, Missouri	4,422
Gilbert and Ronnie Pyle of Stockton, Missouri	11,458
Lageta Cowan of Stockton, Missouri	3,200
Swangel Estate of Stockton, Missouri	12,123
W.H. Eslinger of Stockton, Missouri	5,668
J.C. Eslinger of Stockton, Missouri	5,668
Max A. and Betty Lee Smith of Stockton, Missouri	310
Lat and Zella Lee Smith of Stockton, Missouri	384
Riley Carver of El Dorado Springs, Missouri	6,800

(b) No part of each amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. A violation in this section is a misdemeanor punishable by a fine in an amount not to exceed $10,000.

[*Total, Department of the Treasury, $448,753.*]

(St. Louis Metropolitan Statistical Area designation)

SEC. 119A. (a) For purposes of any provision of Federal law, the Director of the Office of Management and Budget shall rescind the designation of the St. Louis primary metropolitan statistical area, the designation of the Alton-Granite City, Illinois, primary metropolitan statistical area, and the designation of the East St. Louis-Belleville, Illinois, primary metropolitan statistical area, and shall not take any action to designate such three primary metropolitan statistical areas as a consolidated metropolitan statistical area.

(b) The Director of the Office of Management and Budget shall designate a single metropolitan statistical area which includes the following:

(1) The city of St. Louis, Missouri.

(2) The counties of St. Louis, Franklin, Jefferson, and St. Charles in Missouri.

The counties of Monroe, Madison, Jersey, Clinton, and St. Clair in Illinois.

The metropolitan statistical area designation pursuant to this subsection shall be known as the "St. Louis Metropolitan Statistical Area".

SEC. 120. (a) Section 5723(a)(1)(C) of title 5, United States Code, is amended by striking out ", by and with the advice and consent of the Senate,".

(b) Subchapter II of chapter 57 of such title is amended by striking out sections 5724b and 5724c and inserting in lieu thereof the following:

"§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

(taxes on reimbursements for travel, transportation, and relocation expenses)

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of substantially all of the Federal, State, and local income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

"(b) For the purposes of this section, 'moving or storage expenses' means travel and transportation expenses (including storage of household goods and personal effects under section 5724 of this title) and other relocation expenses under sections 5724a and 5724c of this title.

"§ 5724c. Relocation services

(relocation services)

"Under such regulations as the President may prescribe, each agency is authorized to enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out the provisions of this subchapter. Such services include but need not be limited to arranging for the purchase of a transferred employee's residence.".

(U.S. Capitol Grounds)

SEC. 123. The first sentence of section 101(e) of the joint resolution entitled "Making continuing appropriations for the fiscal year 1983, and for other purposes", approved October 2, 1982 (96 Stat. 1189), is amended by inserting "(1)" after "except that" and by striking out the period at the end thereof and inserting in lieu thereof the following: ", and (2) the proviso contained in the paragraph under the heading 'Acquisition of Property as an Addition to the Capitol Grounds' in S. 2939 shall not be effective after the date of enactment of this clause.".

(Senate employees)

SEC. 123A. (a) The provisions of the third paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act for the fiscal year ending June 30, 1928 (2 U.S.C. 92a) shall not be applicable to any employee of the Senate.

(b) The following provisions of law are hereby repealed: (1) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1944 (2 U.S.C. 92e), (2) the last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1945 (2 U.S.C. 92e), (3) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1946 (2 U.S.C. 92e), and (4) the next-to-last paragraph under the heading "Clerical assistance to Senators" of the first section of the Legislative Branch Appropriation Act, 1947 (2 U.S.C. 92e).

(c) The second proviso of the paragraph of section 101 of the Legislative Branch Appropriation Act, 1974, which appears under the heading "Committee Employees" (2 U.S.C. 68-1) is amended by striking out "the committee Auditor and the committee Assistant Auditor" and inserting in lieu thereof "any employee or employees of such Committee".

(Department of Transportation "hush kits" exemptions)

SEC. 124. Notwithstanding any other provision of this joint resolution, the Secretary of the Department of Transportation shall grant an exemption from the January 1, 1985 deadline for compliance with the provisions of Public Law 96-193, if an applicant for such exemption submits to the Secretary prior to January 1, 1985 an application for exemption which complies with the provisions of subsections (b) or (c) of this section.

(b) the Secretary shall specify the form and manner in which any application shall be made. Any such application from a person operating aircraft for which equipment to assure compliance with the provisions of Public Law 96-193 ("hush kits") is currently under development shall include a copy of a contract entered into by the applicant and a known supplier of equipment which would bring the applicant into compliance with the provisions of Public Law 96-193.

(c) applicants currently operating aircraft obtained prior to January 1, 1980 for which no such compliance equipment is currently under development shall accompany their application with a sworn commitment to enter into a contract not later than June 1, 1985 for aircraft which will comply with the provisions of Public Law 96-193.

(d) Nothing in this section shall be construed to limit the power of the Secretary to deny any application or revoke any exemption granted under this section if, after examining any contract submitted under subsection (b) or (c) of this section, the Secretary determines that the applicant or holder of such exemption will not be able to comply with the requirements of Public Law 96-193 within the timeframe set forth in such exemption. No exemptions shall be issued to any applicant pursuant to this section unless the Secretary determines that the contract required under subsection (b) or (c) of this section is with a bona fide supplier of equipment to assure compliance in the case of subsection (b) of this section, or complying aircraft in the case of subsection (c) of this section; that such equipment or aircraft can reasonably be expected to achieve compliance; that such contract provides for non-refundable deposits sufficient to assure good faith compliance by such applicant; and that the contract provides for compliance at the earliest possible date.

(e) Any exemption granted under this section shall expire not later than December 31, 1985 except that, if the Secretary determines that equipment to ensure compliance with the provisions of Public Law 96-193 which has been certified by the Department for that purpose will not be available to the holder of the exemption by that date, the Secretary may extend such exemption for such period as the Secretary determines is necessary to insure compliance with such provisions.

(f) No person receiving an exemption under the provisions of this section may increase either the frequency of operations into the place for which the exemption was granted, or increase the number of non-compliant aircraft operated at the place for which the exemption was granted beyond that existing in the twelve months prior to the date of enactment of this section.

(g) No exemption granted pursuant to this section shall (i) permit flights at any airport in the United States, as the term United States is defined in 49 U.S.C. 1301, other than Miami International Airport, in Miami, Florida, and Bangor International Airport, in Bangor, Maine, or (ii) permit the operation of flights which serve both Miami International Airport and Bangor International Airport.

(reappropriations for Rock Island Railroad)

SEC. 125. Notwithstanding any other provisions of law or this joint resolution, unexpended balances of funds appropriated by the Department of Transportation and Related Agencies Appropriations Act of 1984, for employee protection as authorized by the Rock Island Railroad Transition and Employee Assistance Act as amended (45 U.S.C. 1001 et seq.), shall continue to remain available for such purpose until not later than April 1, 1985; and, such funds shall be expended in accordance with the amendment made by section 201 of H.R. 3648 as passed by the House of Representatives on March 6, 1984.

$126,500,000 (limitation on obligations)

SEC. 125A. Notwithstanding any other provision of this joint resolution to the contrary, none of the funds in this joint resolution shall be available for the planning or execution of programs, the total obligations for which are in excess of $126,500,000 in fiscal year 1985 for "State and community highway safety" authorized under 23 U.S.C. 402. Any amount provided in this joint resolution under the heading relating to Highway Traffic Safety Grants for the purposes specified in this subsection which is not identical to the obligation level specified in this subsection shall have no force and effect.

7,500,000 (by transfer)

SEC. 125B. Notwithstanding any other provision of this joint resolution, not to exceed $7,500,000 shall be available in the fiscal year ending September 30, 1985 from the unobligated balances in the appropriations "Highway Safety Research and Development", "Railroad Research and Development", and "Research, Training and Human Resources", for the purposes of carrying out a national program to encourage the use of automobile safety belts and passive restaints as authorized by 23 U.S.C. 403.

SEC. 125C. (a) Notwithstanding section 16 of the Federal Airport Act (as in effect on November 25, 1947), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 16222(c)), and the provisions of subsection (b) of this section, to grant release from any of the terms, conditions, reservations, and restrictions contained in a deed of conveyance dated July 30, 1948, under which the United States conveyed certain property to the city of Flagstaff for airport purposes. *(Flagstaff Airport)*

(b) Any release granted by the Secretary of Transportation under subsection (a) shall be subject to the following conditions:

(1) the city of Flagstaff shall agree that in conveying any interest in the property which the United States conveyed pursuant to the deed described in subsection (a), the city of Flagstaff will receive an amount which is equal to the fair market value (as determined pursuant to regulations issued by such Secretary); and

(2) any such amount so received shall be used for the development, improvement, operation, or maintenance of a public airport.

SEC. 125D. For necessary expenses to carry out a series of highway projects in the vicinities of Pontiac and East Lansing, Michigan, which demonstrate methods of enhancing safety and promoting economic development through construction of grade separations and road widenings on a highway on the Federal-aid primary system and on highways on the Federal-aid urban system; $12,000,000, to remain available until expended. $12,000,000

SEC. 125F. The Secretary of Transportation shall waive the alternate design requirements, specified in "Alternate Design for Bridges Policy Statement" (49-FR93 # 21409), allowing construction of a steel deck tied arch option only (including approach spans), for the Smith Avenue High Bridge, St. Paul, Minnesota. *(St. Paul, Minnesota)*

SEC. 125G. For an additional amount for "Coast Guard Acquisition, Construction, and Improvements", $2,000,000 to reconstruct in its original form the Great Point Lighthouse on Nantucket Island, Massachusetts, at the site designated by the United States Coast Guard. 2,000,000

[*Total, Department of Transportation:*

[*New budget (obligational) authority*	*$14,000,000.*]
[*By transfer*	*7,500,000.*]
[*Limitations on obligations*	*126,500,000.*]

SEC. 126. Notwithstanding any other provision of this joint resolution, there is an additional amount appropriated for the Agricultural Research Service, United States Department of Agriculture, $1,000,000. 1,000,000

SEC. 127. Notwithstanding any other provision of this joint resolution, and in addition to amounts appropriated elsewhere, there are appropriated $3,200,000 for fiscal year 1985 for Salaries and Expenses of the Food and Drug Administration to carry out the Drug Price Competition and Patent Term Restoration Act of 1984; and $8,350,000 for fiscal year 1985 for the Food and Drug Administration for activities (including construction) related to acquired immune deficiency syndrome, which shall be available only to the extent an official budget request is transmitted to the Congress. 3,200,000 [1] 8,350,000

[*Subtotal, Department of Health and Human Service, $11,550,000.*]

SEC. 127A. Notwithstanding any other provision of the law, such sums as may be necessary may be used from the remaining balances of fiscal year 1984 funds for the Commodity Supplemental Food Program for the purpose of settling unresolved administrative funding claims associated with the handling of regular and bonus commodities distributed by the Commodity Supplemental Food Program operators in fiscal year 1982.

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[1] Official budget request for fiscal year 1985 submitted with President's budget for fiscal year 1986

(reappropriations for food program operators, 1982)

(Food Stamp Act of 1977)

SEC. 128. (a) Funds appropriated by this joint resolution or any other appropriation Act to carry out the Food Stamp Act of 1977 (7 U.S.C. 2011-2029) shall, notwithstanding any other provision of law or this Act, be used in a manner to ensure that, under the food stamp program, households certified as eligible to participate in the program are issued an allotment that reflects the full cost of the thrifty food plan, adjusted to reflect changes in the cost of such plan for the twelve months ending June 30, 1984, rounded to the nearest lower dollar increment for each household size.

(b) The provisions of subsection (a) shall be effective during the period beginning November 1, 1984, and ending September 30, 1985.

SEC. 134. Notwithstanding section 1814(i) of the Social Security Act and section 102 of this joint resolution, in the case of a hospice which—

(1) commenced operations prior to January 1, 1975;

(2) participated in a hospice demonstration project during fiscal year 1984; and

(3) is not certified as a hospice provider under title XVIII of the Social Security Act prior to September 24, 1984,

payment under such title for hospice care provided by such hospice on and after October 1, 1984, and prior to October 1, 1986, shall be made on the same basis as payment was made to such hospice under such demonstration project.

$400,000

(Ukraine Famine)

SEC. 136. There are hereby appropriated $400,000 to carry out the provisions of S. 2456, as passed by the Senate on September 21, 1984.

(United Nations employees)

SEC. 137. Notwithstanding any other provision of law or this joint resolution, none of the funds provided in this joint resolution or any other provision of law shall be available for the United States' proportionate share for any "post adjustment allowance" for United Nations employees of any United Nations, organization implemented after July 31, 1984, or for any such "post adjustment allowance" which is calculated by using any methodology not used in calculating such "post adjustment allowance" prior to January 1, 1984.

81,200,000
28,000,000
1,000,000

SEC. 139. Notwithstanding any other provision of this joint resolution, the following additional amounts are hereby appropriated for the Department of State, Administration of Foreign Affairs, and all to remain available until September 30, 1986; $81,200,000 for "Salaries and expenses"; $28,000,000 for "Acquisition, operation, and maintenance of buildings abroad"; and $1,000,000 for "Emergencies in the diplomatic and consular service" to pay rewards for information concerning terrorist acts: *Provided*, That these funds shall be available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956: *Provided further*, That the Department shall report to the appropriate committees in Congress on the obligation of funds every thirty days from the date of enactment.

[*Subtotal, Department of State, $110,200,000.*]

(Central Intelligence Agency Act of 1949)

SEC. 140. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

SECURITY PERSONNEL AT AGENCY INSTALLATIONS

SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled "An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes" (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

(b) The Director is authorized to establish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.

(furloughed Federal employees)

SEC. 122. (a) Federal employees furloughed as a result of the lapse of appropriations from midnight, October 3, 1984, until the enactment of this Act, will be compensated at their standard rate of compensation for the period during which there was a lapse of appropriations.

(b) All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 131. (a) Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-246) is amended by striking out "sold before October 1, 1984," and inserting in lieu thereof "sold before October 1, 1985,".

(Legislative veto, District of Columbia)[1]

(b) Section 303(b) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(b) An amendment to the charter ratified by the registered electors shall take effect upon the expiration of the 35-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless during such 35-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such 35-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 35-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.".

(c)(1) The second sentence of section 412(a) of such Act is amended to read as follows: "Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes.".

(2) The last sentence of section 412(a) of such Act is amended to read as follows: "Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.".

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[1] Supersedes Sec. 131 of H.R. 5899 (see pp. 142-144, this volume).

(d) The second sentence of section 602(c)(1) of such Act is amended to read as follows: "Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(e) The third sentence of section 602(c)(1) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(f) The first sentence of section 602(c)(2) of such Act is amended to read as follows: "In the case of any such Act transmitted by the Chairman with respect to any Act codified in title 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 60-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate unless, during such 60-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 60-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 60-day period shall be deemed to have repealed such act, as of the date such resolution becomes law.".

(Legislative veto, District of Columbia—continued)

(g) The second sentence of section 602(c)(2) is amended to read as follows: "The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such Act as specified in this paragraph.".

(h) Section 604(b) of such Act is amended by deleting "concurrent" and inserting in lieu thereof "joint".

(i) Subsections (b) and (c) of section 740 of such Act are amended by deleting in each such subsection the words "adoption of a resolution by either the Senate or the House of Representatives" and inserting in lieu thereof "enactment into law of a joint resolution by the Congress".

(j) Section 740(d) of such Act is amended by deleting "approve a concurrent" and inserting in lieu thereof "enact into law a joint".

(k) The amendments made by the preceding subsections of this section shall not be applicable with respect to any law, which was passed by the Council of the District of Columbia prior to the date of the enactment of this Act, and such laws are hereby deemed valid, in accordance with the provisions thereof notwithstanding such amendments. Any previous Act of the Council of the District of Columbia which has been disapproved by the Congress pursuant to section 602(c)(1) or section 602(c)(2) is hereby deemed null and void.

(l) Part F of title VII of such Act is amended by adding at the end thereof the following new section:

"SEVERABILITY

"SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.".

(m) Section 164(a)(3) of the District of Columbia Retirement Reform Act is amended to read as follows:

"(3)(A) The Congress may reject any filing under this section within thirty days of such filing by enacting into law a joint resolution stating that the Congress has determined—

"(i) that such filing is incomplete for purposes of this part, or

"(ii) that there is any material qualification by an accountant or actuary contained in an opinion submitted pursuant to section 162(a)(3)(A) or section 162(a)(4)(B).

"(B) If the Congress rejects a filing under subparagraph (A) and if either a revised filing is not submitted within forty-five days after the enactment under subparagraph (A) rejecting the initial filing or such revised filing is rejected by the Congress by enactment into law of a joint resolution within thirty days after submission of the revised filing, then the Congress may, if it deems it is in the best interests of the participants, take any one or more of the following actions:

(Legislative veto, District of Columbia—continued)

"(i) Retain an independent qualified public accountant on behalf of the participants to perform an audit.

"(ii) Retain an enrolled actuary on behalf of the participants to prepare an actuarial statement.

The Board and the Mayor shall permit any accountant or actuary so retained to inspect whatever books and records of the Fund and the retirement program are necessary for performing such audit or preparing such statement.

"(C) If a revised filing is rejected under subparagraph (B) or if a filing required under this title is not made by the date specified, no funds appropriated for the Fund with respect to which such filing was required as part of the Federal payment may be paid to the Fund until such time as an acceptable filing is made. For purposes of this subparagraph, a filing is unacceptable if, within thirty days of its submission, the Congress enacts into law a joint resolution disapproving such filing.".

(n) The provisions of this section shall be effective hereafter without limitation as to fiscal year, notwithstanding any other provision of this joint resolution.

TITLE II

This title may be cited as the "Comprehensive Crime Control Act of 1984."

Sec. 201. Section 102 of this joint resolution (H.J. Res. 648) shall not apply with respect to the provisions enacted by this title.

(Comprehensive Crime Control Act of 1984)

CHAPTER I—BAIL

Sec. 202. This chapter may be cited as the "Bail Reform Act of 1984".

Sec. 203. (a) Sections 3141 through 3151 of title 18, United States Code, are repealed and the following new sections are inserted in lieu thereof:

"§ 3141. Release and detention authority generally

"(a) Pending Trial.—A judicial officer who is authorized to order the arrest of a person pursuant to section 3041 of this title shall order that an arrested person who is brought before him be released or detained, pending judicial proceedings, pursuant to the provisions of this chapter.

"(b) Pending Sentence or Appeal.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained pursuant to the provisions of this chapter.

"§ 3142. Release or detention of a defendant pending trial

"(a) In General.—Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—

"(1) released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of subsection (b);

"(2) released on a condition or combination of conditions pursuant to the provisions of subsection (c);

"(3) temporarily detained to permit revocation of conditional release, deportation, or exclusion pursuant to the provisions of subsection (d); or

"(4) detained pursuant to the provisions of subsection (e).

"(b) Release on Personal Recognizance or Unsecured Appearance Bond.—The judicial officer shall order the pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a Federal, State, or local crime during the period of his release, unless the judicial officer determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

"(c) Release on Conditions.—If the judicial officer determines that the release described in subsection (b) will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, he shall order the pretrial release of the person—

"(1) subject to the condition that the person not commit a Federal, State, or local crime during the period of release; and

"(2) subject to the least restrictive further condition, or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition that the person—

"(A) remain in the custody of a designated person, who agrees to supervise him and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

"(B) maintain employment, or, if unemployed, actively seek employment;

"(C) maintain or commence an educational program;

"(D) abide by specified restrictions on his personal associations, place of abode, or travel;

"(E) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

"(F) report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

"(G) comply with a specified curfew;

"(H) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(I) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(J) undergo available medical or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

"(K) execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the judicial officer may specify;

"(L) execute a bail bond with solvent sureties in such amount as is reasonably necessary to assure the appearance of the person as required;

"(M) return to custody for specified hours following release for employment, schooling, or other limited purposes; and

"(N) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person. The judicial officer may at any time amend his order to impose additional or different conditions of release.

"(d) TEMPORARY DETENTION TO PERMIT REVOCATION OF CONDITIONAL RELEASE, DEPORTATION, OR EXCLUSION.—If the judicial officer determines that—

"(1) the person—

"(A) is, and was at the time the offense was committed, on—

"(i) release pending trial for a felony under Federal, State, or local law;

"(ii) release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or

"(iii) probation or parole for any offense under Federal, State, or local law; or

"(B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); and

"(2) the person may flee or pose a danger to any other person or the community;

he shall order the detention of the person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the Government to notify the appropriate court, probation or parole official, or State or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing release pending trial or deportation or exclusion proceedings. If temporary detention is sought under paragraph (1)(B), the person has the burden of proving to the court that he is a citizen of the United States or is lawfully admitted for permanent residence.

"(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, he shall order the detention of the person prior to trial. In a case described in (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judge finds that—

"(1) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

"(2) the offense described in paragraph (1) was committed while the person was on release pending trial for a Federal, State, or local offense; and

"(3) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in paragraph (1), whichever is later.

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), section 1 of the Act of September 15, 1980 (21 U.S.C. 955a), or an offense under section 924(c) of title 18 of the United States Code.

"(f) Detention Hearing.—The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) will reasonably assure the appearance of the person as required and the safety of any other person and the community in a case—

"(1) upon motion of the attorney for the Government, that involves—

"(A) a crime of violence;

"(B) an offense for which the maximum sentence is life imprisonment or death;

"(C) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); or

"(D) any felony committed after the person had been convicted of two or more prior offenses described in subparagraphs (A) through (C), or two or more State or local offenses that would have been offenses described in subparagraphs (A) through (C) if a circumstance giving rise to Federal jurisdiction had existed; or

"(2) Upon motion of the attorney for the Government or upon the judicial officer's own motion, that involves—

"(A) a serious risk that the person will flee;

"(B) a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed five days, and a continuance on motion of the attorney for the Government may not exceed three days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the Government or on his own motion, may order that, while in custody, a person who appears to be a narcotics addict receive a medical examination to determine whether he is an addict. At the hearing, the person has the right to be represented by counsel, and, if he is financially unable to obtain adequate representation, to have counsel appointed for him. The person shall be afforded an opportunity to testify, to present witnesses on his own behalf, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding pursuant to subsection (e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community shall be supported by clear and convincing evidence. The person may be detained pending completion of the hearing.

"(g) FACTORS TO BE CONSIDERED.—The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning—

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;

"(2) the weight of the evidence against the person;

"(3) the history and characteristics of the person, including—

"(A) his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

"(B) whether, at the time of the current offense or arrest, he was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

"(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection (c)(2)(K) or (c)(2)(L), the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

"(h) CONTENTS OF RELEASE ORDER.—In a release order issued pursuant to the provisions of subsection (b) or (c), the judicial officer shall—

"(1) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

"(2) advise the person of—

"(A) the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

"(B) the consequences of violating a condition of release, including the immediate issuance of a warrant for the person's arrest; and

"(C) the provisions of sections 1503 of this title (relating to intimidation of witnesses, jurors, and officers of the court), 1510 (relating to obstruction of criminal investigations), 1512 (tampering with a witness, victim, or an informant), and 1513 (retaliating against a witness, victim, or an informant).

"(i) CONTENTS OF DETENTION ORDER.—In a detention order issued pursuant to the provisions of subsection (e), the judicial officer shall—

"(1) include written findings of fact and a written statement of the reasons for the detention;

"(2) direct that the person be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

"(3) direct that the person be afforded reasonable opportunity for private consultation with his counsel; and

"(4) direct that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the person is confined deliver the person to a United States marshal for the purpose of an appearance in connection with a court proceeding.

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

"(j) PRESUMPTION OF INNOCENCE.—Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

"§ 3143. Release or detention of a defendant pending sentence or appeal

"(a) RELEASE OR DETENTION PENDING SENTENCE.—The judicial officer shall order that a person who has been found guilty of an offense and who is waiting imposition or execution of sentence, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c). If the judicial officer makes such a finding, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(b) RELEASE OR DETENTION PENDING APPEAL BY THE DEFENDANT.—The judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

"(1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pursuant to section 3142 (b) or (c); and

"(2) that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial.

If the judicial officer makes such findings, he shall order the release of the person in accordance with the provisions of section 3142 (b) or (c).

"(c) RELEASE OR DETENTION PENDING APPEAL BY THE GOVERNMENT.—The judicial officer shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3731 of this title, in accordance with the provisions of section 3142, unless the defendant is otherwise subject to a release or detention order.

"§ 3144. Release or detention of a material witness

"If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpena, a judicial officer may order the arrest of the person and treat the person in accordance with the provisions of section 3142. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 3145. Review and appeal of a release or detention order

"(a) REVIEW OF A RELEASE ORDER.—If a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court—

"(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release; and

"(2) the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.

The motion shall be determined promptly.

"(b) REVIEW OF A DETENTION ORDER.—If a person is ordered detained by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

"(c) APPEAL FROM A RELEASE OR DETENTION ORDER.—An appeal from a release or detention order, or from a decision denying revocation or amendment of such an order, is governed by the provisions of section 1291 of title 28 and section 3731 of this title. The appeal shall be determined promptly.

"§ 3146. Penalty for failure to appear

"(a) OFFENSE.—A person commits an offense if, after having been released pursuant to this chapter—

"(1) he knowingly fails to appear before a court as required by the conditions of his release; or

"(2) he knowingly fails to surrender for service of sentence pursuant to a court order.

"(b) GRADING.—If the person was released—

"(1) in connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal or certiorari after conviction, for—

"(A) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, he shall be fined not more than $25,000 or imprisoned for not more than ten years, or both;

"(B) an offense punishable by imprisonment for a term of five or more years, but less than fifteen years, he shall be fined not more than $10,000 or imprisoned for not more than five years, or both;

"(C) any other felony, he shall be fined not more than $5,000 or imprisoned for not more than two years, or both; or

"(D) a misdemeanor, he shall be fined not more than $2,000 or imprisoned for not more than one year, or both; or

"(2) for appearance as a material witness, he shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed pursuant to this section shall be consecutive to the sentence of imprisonment for any other offense.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that he appeared or surrendered as soon as such circumstances ceased to exist.

"(d) DECLARATION OF FORFEITURE.—If a person fails to appear before a court as required, and the person executed an appearance bond pursuant to section 3142(b) or is subject to the release condition set forth in section 3142 (c)(2)(K) or (c)(2)(L), the judicial officer may, regardless of whether the person has been charged with an offense under this section, declare any property designated pursuant to that section to be forfeited to the United States.

"§ 3147. Penalty for an offense committed while on release

"A person convicted of an offense committed while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to—

"(1) a term of imprisonment of not less than two years and not more than ten years if the offense is a felony; or

"(2) a term of imprisonment of not less than ninety days and not more than one year if the offense is a misdemeanor.

A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3148. Sanctions for violation of a release condition

"(a) Available Sanctions.—A person who has been released pursuant to the provisions of section 3142, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

"(b) Revocation of Release.—The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which his arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

"(1) finds that there is—

"(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

"(B) clear and convincing evidence that the person has violated any other condition of his release; and

"(2) finds that—

"(A) based on the factors set forth in section 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

"(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, he shall treat the person in accordance with the provisions of section 3142 and may amend the conditions of release accordingly.

"(c) Prosecution for Contempt.—The judge may commence a prosecution for contempt, pursuant to the provisions of section 401, if the person has violated a condition of his release.

"§ 3149. Surrender of an offender by a surety

"A person charged with an offense, who is released upon the execution of an appearance bond with a surety, may be arrested by the surety, and if so arrested, shall be delivered promptly to a United States marshal and brought before a judicial officer. The judicial officer shall determine in accordance with the provisions of section 3148(b) whether to revoke the release of the person, and may absolve the surety of responsibility to pay all or part of the bond in accordance with the provisions of Rule 46 of the Federal Rules of Criminal Procedure. The person so committed shall be held in official detention until released pursuant to this chapter or another provision of law.

"§ 3150. Applicability to a case removed from a State court

"The provisions of this chapter apply to a criminal case removed to a Federal court from a State court.".

(b) Section 3154 of title 18, United States Code, is amended—

(1) in subsection (1), by striking out "and recommend appropriate release conditions for each such person" and inserting in lieu thereof "and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release"; and

(2) in subsection (2), by striking out "section 3146(e) or section 3147" and inserting in lieu thereof "section 3145".

(c) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking out "3146" and inserting in lieu thereof "3141";

(2) in paragraph (1)—

(A) by striking out "bail or otherwise" and inserting in lieu thereof "detain or"; and

(B) by deleting "and" at the end thereof;

(3) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and";

(4) by adding after paragraph (2) the following new paragraphs:

"(3) The term 'felony' means an offense punishable by a maximum term of imprisonment of more than one year; and

"(4) The term 'crime of violence' means—

"(A) an offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."; and

(5) in subsection (b)(1), by striking out "bail or otherwise" and inserting in lieu thereof "detain or".

(d) The item relating to chapter 207 in the analysis of part II of title 18, United States Code, is amended to read as follows:

"207. Release and detention pending judicial proceedings .... 3141".

(e)(1) The caption of chapter 207 is amended to read as follows:

"CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS".

(2) The section analysis for chapter 207 is amended by striking out the items relating to sections 3141 through 3151 and inserting in lieu thereof the following:

"3141. Release and detention authority generally.
"3142. Release or detention of a defendant pending trial.
"3143. Release or detention of a defendant pending sentence or appeal.
"3144. Release or detention of a material witness.
"3145. Review and appeal of a release or detention order.
"3146. Penalty for failure to appear.
"3147. Penalty for an offense committed while on release.
"3148. Sanctions for violation of a release condition.
"3149. Surrender of an offender by a surety.
"3150. Applicability to a case removed from a State court.".

SEC. 204. Chapter 203 of title 18, United States Code, is amended as follows:

(a) The last sentence of section 3041 is amended by striking out "determining to hold the prisoner for trial" and inserting in lieu thereof "determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial".

(b) The second paragraph of section 3042 is amended by striking out "imprisoned or admitted to bail" and inserting in lieu thereof "detained or conditionally released pursuant to section 3142 of this title".

(c) Section 3043 is repealed.

(d) The following new section is added after section 3061:

"§ 3062. General arrest authority for violation of release conditions

"A law enforcement officer, who is authorized to arrest for an offense committed in his presence, may arrest a person who is released pursuant to chapter 207 if the officer has reasonable grounds to believe that the person is violating, in his presence, a condition imposed on the person pursuant to section 3142 (c)(2)(D), (c)(2)(E), (c)(2)(H), (c)(2)(I), or (c)(2)(M), or, if the violation involves a failure to remain in a specified institution as required, a condition imposed pursuant to section 3142(c)(2)(J).".

(e) The section analysis is amended—

(1) by amending the item relating to section 3043 to read as follows:

"3043. Repealed."; and

(2) by adding the following new item after the item relating to section 3061:

"3062. General arrest authority for violation of release conditions."

SEC. 205. Section 3731 of title 18, United States Code, is amended by adding after the second paragraph the following new paragraph:

"An appeal by the United States shall lie to a court of appeals from a decision or order, entered by a district court of the United States, granting the release of a person charged with or convicted of an offense, or denying a motion for revocation of, or modification of the conditions of, a decision or order granting release.".

SEC. 206. The second paragraph of section 3772 of title 18, United States Code, is amended by striking out "bail" and inserting in lieu thereof "release pending appeal."

SEC. 207. Section 4282 of title 18, United States Code, is amended—

(a) by striking out "and not admitted to bail" and substituting "and detained pursuant to chapter 207"; and

(b) by striking out "and unable to make bail".

SEC. 208. Section 636 of title 28, United States Code, is amended by striking out "impose conditions of release under section 3146 of title 18" and inserting in lieu thereof "issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial".

SEC. 209. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 5(c) is amended by striking out "shall admit the defendant to bail" and inserting in lieu thereof "shall detain or conditionally release the defendant".

(b) The second sentence of rule 15(a) is amended by striking out "committed for failure to give bail to appear to testify at a trial or hearing" and inserting in lieu thereof "detained pursuant to section 3144 of title 18, United States Code".

(c) Rule 40(f) is amended to read as follows:

"(f) RELEASE OR DETENTION.—If a person was previously detained or conditionally released, pursuant to chapter 207 of title 18, United States Code, in another district where a warrant, information, or indictment issued, the Federal magistrate shall take into account the decision previously made and the reasons set forth therefor, if any, but will not be bound by that decision. If the Federal magistrate amends the release or detention decision or alters the conditions of release, he shall set forth the reasons for his action in writing."

(d) Rule 46 is amended—

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and 3144";

(2) in subdivision (c), by striking out "3148" and inserting in lieu thereof "3143";

(3) by amending subdivision (e)(2) to read as follows:

"(2) SETTING ASIDE.—The court may direct that a forfeiture be set aside in whole or in part, upon such conditions as the court may impose, if a person released upon execution of an appearance bond with a surety is subsequently surrendered by the surety into custody or if it otherwise appears that justice does not require the forfeiture."; and

(4) by adding the following new subdivision at the end thereof:

"(h) FORFEITURE OF PROPERTY.—

"Nothing in this rule or in chapter 207 of title 18, United States Code, shall prevent the court from disposing of any charge by entering an order directing forfeiture of property pursuant to 18 U.S.C. 3142(c)(2)(K) if the value of the property is an amount that would be an appropriate sentence after conviction of the offense charged and if such forfeiture is authorized by statute or regulation.".

(e) Rule 54(b)(3) is amended by striking out "under 18 U.S.C. § 3043, and".

SEC. 210. Rule 9(c) of the Federal Rules of Appellate Procedure is amended by striking out "3148" and inserting in lieu thereof "3143", and following the word "community", inserting "and that the appeal is not for purpose of delay and raises a substantial question of law or fact likely to result in reversal or in an order for a new trial".

CHAPTER II—SENTENCING REFORM

SEC. 211. This chapter may be cited as the "Sentencing Reform Act of 1984".

SEC. 212. (a) Title 18 of the United States Code is amended by—

(1) redesignating sections 3577, 3578, 3579, 3580, 3611, 3612, 3615, 3617, 3618, 3619, 3620, and 3656 as sections 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, and 3672 of a new chapter 232 of title 18 of the United States Code, respectively;

(2) repealing chapters 227, 229, and 231 and substituting the following new chapters:

"CHAPTER 227—SENTENCES

"Subchapter

"A. General Provisions 3551
"B. Probation 3561
"C. Fines 3571
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"SUBCHAPTER A—GENERAL PROVISIONS

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"SUBCHAPTER A—GENERAL PROVISIONS

"§ 3551. Authorized sentences

"(a) In General.—Except as otherwise specifically provided, a defendant who has been found guilty of an offense described in any Federal statute, other than an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice, shall be sentenced in accordance with the provisions of this chapter so as to achieve the purposes set forth in subparagraphs (A) through (D) of section 3553(a)(2) to the extent that they are applicable in light of all the circumstances of the case.

"(b) Individuals.—An individual found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B;

"(2) a fine as authorized by subchapter C; or

"(3) a term of imprisonment as authorized by subchapter D.

A sentence to pay a fine may be imposed in addition to any other sentence. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"(c) Organizations.—An organization found guilty of an offense shall be sentenced, in accordance with the provisions of section 3553, to—

"(1) a term of probation as authorized by subchapter B; or

"(2) a fine as authorized by subchapter C.

A sentence to pay a fine may be imposed in addition to a sentence to probation. A sanction authorized by section 3554, 3555, or 3556 may be imposed in addition to the sentence required by this subsection.

"§ 3552. Presentence reports

"(a) Presentence Investigation and Report by Probation Officer.—A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

"(b) Presentence Study and Report by Bureau of Prisons.—If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall take no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States marshal shall return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they believe are applicable to the defendant's case. After receiving the report and the recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

"(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, it may order that the defendant undergo a psychiatric or psychological examination and that the court be provided with a written report of the results of the examination pursuant to the provisions of section 4247.

"(d) DISCLOSURE OF PRESENTENCE REPORTS.—The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant.

"§ 3553. Imposition of a sentence

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentence imposed—

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

"(3) the kinds of sentences available;

"(4) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and that are in effect on the date the defendant is sentenced;

"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced; and

"(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

"(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

"(1) is of the kind, and within the range, described in subsection (a)(4), the reason for imposing a sentence at a particular point within the range; or

"(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

"(d) PRESENTENCE PROCEDURE FOR AN ORDER OF NOTICE OR RESTITUTION.—Prior to imposing an order of notice pursuant to section 3555, or an order of restitution pursuant to section 3556, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

"(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

"(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

"(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

"§ 3554. Order of criminal forfeiture

"The court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of this title or in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accordance with the provisions of section 1963 of this title or section 413 of the Comprehensive Drug Abuse and Control Act of 1970.

"§ 3555. Order of notice to victims

"The court, in imposing a sentence on a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices, may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant give reasonable notice and explanation of the conviction, in such form as the court may approve, to the victims of the offense. The notice may be ordered to be given by mail, by advertising in designated areas or through designated media, or by other appropriate means. In determining whether to require the defendant to give such notice, the court shall consider the factors set forth in section 3553(a) to the extent that they are applicable and shall consider the cost involved in giving the notice as it relates to the loss caused by the offense, and shall not require the defendant to bear the costs of notice in excess of $20,000.

"§ 3556. Order of restitution

"The court, in imposing a sentence on a defendant who has been found guilty of an offense under this title, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant make restitution to any victim of the offense in accordance with the provisions of sections 3663 and 3664.

"§ 3557. Review of a sentence

"The review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742.

"§ 3558. Implementation of a sentence

"The implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229.

"§ 3559. Sentencing classification of offenses

"(a) CLASSIFICATION.—An offense that is not specifically classified by a letter grade in the section defining it, is classified—

"(1) if the maximum term of imprisonment authorized is—

"(A) life imprisonment, or if the maximum penalty is death, as a Class A felony;

"(B) twenty years or more, as a Class B felony;

"(C) less than twenty years but ten or more years, as a Class C felony;

"(D) less than ten years but five or more years, as a Class D felony;

"(E) less than five years but more than one year, as a Class E felony;

"(F) one year or less but more than six months, as a Class A misdemeanor;

"(G) six months or less but more than thirty days, as a Class B misdemeanor;

"(H) thirty days or less but more than five days, as a Class C misdemeanor; or

"(I) five days or less, or if no imprisonment is authorized, as an infraction.

"(b) EFFECT OF CLASSIFICATION.—An offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation except that:

"(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

"(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.

"SUBCHAPTER B—PROBATION

"Sec.
"3561. Sentence of probation.
"3562. Imposition of a sentence of probation.
"3563. Conditions of probation.
"3564. Running of a term of probation.
"3565. Revocation of probation.
"3566. Implementation of a sentence of probation.

"SUBCHAPTER B—PROBATION

"§ 3561. Sentence of probation

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

"(1) the offense is a Class A or Class B felony;

"(2) the offense is an offense for which probation has been expressly precluded; or

"(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense.

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

"(b) AUTHORIZED TERMS.—The authorized terms of probation are—

"(1) for a felony, not less than one nor more than five years;

"(2) for a misdemeanor, not more than five years; and

"(3) for an infraction, not more than one year.

"§ 3562. Imposition of a sentence of probation

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF PROBATION.—The court, in determining whether to impose a term of probation, and, if a term of probation is to be imposed, in determining the length of the term and the conditions of probation, shall consider the factors set forth in section 3553(a) to the extent that they are applicable.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence of probation can subsequently be—

"(1) modified or revoked pursuant to the provisions of section 3564 or 3565;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3563. Conditions of probation

"(a) MANDATORY CONDITIONS.—The court shall provide, as an explicit condition of a sentence of probation—

"(1) for a felony, a misdemeanor, or an infraction, that the defendant not commit another Federal, State, or local crime during the term of probation; and

"(2) for a felony, that the defendant also abide by at least one condition set forth in subsection (b)(2), (b)(3), or (b)(13).

If the court has imposed and ordered execution of a fine and placed the defendent on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

"(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553 (a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

"(1) support his dependents and meet other family responsibilities;

"(2) pay a fine imposed pursuant to the provisions of subchapter C;

"(3) make restitution to a victim of the offense pursuant to the provisions of section 3556;

"(4) give to the victims of the offense the notice ordered pursuant to the provisions of section 3555;

"(5) work conscientiously at suitable employment or pursue conscientiously a course of study or vocational training that will equip him for suitable employment;

"(6) refrain, in the case of an individual, from engaging in a specified occupation, business, or profession bearing a reasonably direct relationship to the conduct constituting the offense, or engage in such a specified occupation, business, or profession only to a stated degree or under stated circumstances;

"(7) refrain from frequenting specified kinds of places or from associating unnecessarily with specified persons;

"(8) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;

"(9) refrain from possessing a firearm, destructive device, or other dangerous weapon;

"(10) undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose;

"(11) remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no more than the lesser of one year or the term of imprisonment authorized for the offense in section 3581(b), during the first year of the term of probation;

"(12) reside at, or participate in the program of, a community corrections facility for all or part of the term of probation;

"(13) work in community service as directed by the court;

"(14) reside in a specified place or area, or refrain from residing in a specified place or area;

"(15) remain within the jurisdiction of the court, unless granted permission to leave by the court or a probation officer;

"(16) report to a probation officer as directed by the court or the probation officer;

"(17) permit a probation officer to visit him at his home or elsewhere as specified by the court;

"(18) answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment;

"(19) notify the probation officer promptly if arrested or questioned by a law enforcement officer; or

"(20) satisfy such other conditions as the court may impose.

"(c) MODIFICATIONS OF CONDITIONS.—The court may, after a hearing, modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the conditions of probation.

"(d) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the sentence is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3564. Running of a term of probation

"(a) COMMENCEMENT.—A term of probation commences on the day that the sentence of probation is imposed, unless otherwise ordered by the court.

"(b) CONCURRENCE WITH OTHER SENTENCES.—Multiple terms of probation, whether imposed at the same time or at different times, run concurrently with each other. A term of probation runs concurrently with any Federal, State, or local term of probation, or supervised release, or parole for another offense to which the defendant is subject or becomes subject during the term of probation, except that it does not run during any period in which the defendant is imprisoned for a period of at least thirty consecutive days in connection with a conviction for a Federal, State, or local crime.

"(c) EARLY TERMINATION.—The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

"(d) EXTENSION.—The court may, after a hearing, extend a term of probation, if less than the maximum authorized term was previously imposed, at any time prior to the expiration or termination of the term of probation, pursuant to the provisions applicable to the initial setting of the term of probation.

"(e) SUBJECT TO REVOCATION.—A sentence of probation remains conditional and subject to revocation until its expiration or termination.

"§ 3565. Revocation of probation

"(a) CONTINUATION OR REVOCATION.—If the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, and after considering the factors set forth in section 3553(a) to the extent that they are applicable—

"(1) continue him on probation, with or without extending the term of modifying or enlarging the conditions; or

"(2) revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.

"(b) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

"§ 3566. Implementation of a sentence of probation

"The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

"SUBCHAPTER C—FINES

"Sec.
"3571. Sentence of fine.
"3572. Imposition of a sentence of fine.
"3573. Modification or remission of fine.
"3574. Implementation of a sentence of fine.

"SUBCHAPTER C—FINES

"§ 3571. Sentence of fine

"(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) AUTHORIZED FINES.—Except as otherwise provided in this chapter, the authorized fines are—

"(1) if the defendant is an individual—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $250,000;

"(B) for any other misdemeanor, not more than $25,000; and

"(C) for an infraction, not more than $1,000; and

"(2) if the defendant is an organization—

"(A) for a felony, or for a misdemeanor resulting in the loss of human life, not more than $500,000;

"(B) for any other misdemeanor, not more than $100,000; and

"(C) for an infraction, not more than $10,000.

"§ 3572. Imposition of a sentence of fine

"(a) Factors To Be Considered in Imposing Fine.—The court, in determining whether to impose a fine, and, if a fine is to be imposed, in determining the amount of the fine, the time for payment, and the method of payment, shall consider—

"(1) the factors set forth in section 3553(a), to the extent they are applicable, including, with regard to the characteristics of the defendant under section 3553(a), the ability of the defendant to pay the fine in view of the defendant's income, earning capacity, and financial resources and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent upon the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant to the victim of the offense, and any obligation imposed upon the defendant to make such restitution or reparation to the victim of the offense;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent equitable consideration.

"(b) Limit on Aggregate of Multiple Fines.—Except as otherwise expressly provided, the aggregate of fines that a court may impose on a defendant at the same time for different offenses that arise from a common scheme or plan, and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense.

"(c) Effect of Finality of Judgment.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3573;

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(d) Time and Method of Payment.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(e) Alternative Sentence Precluded.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be served in the event that the fine is not paid.

"(f) Individual Responsibility for Payment.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) Responsibility To Provide Current Address.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) Stay of Fine Pending Appeals.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) Delinquent Fine.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) Default.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due with thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3573. Modification or remission of fine

"(a) Petition for Modification or Remission.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) Order of Modification or Remission.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3574. Implementation of a sentence of fine

"The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

"SUBCHAPTER D—IMPRISONMENT

"Sec.
"3581. Sentence of imprisonment.
"3582. Imposition of a sentence of imprisonment.
"3583. Inclusion of a term of supervised release after imprisonment.
"3584. Multiple sentences of imprisonment.
"3585. Calculation of a term of imprisonment.
"3586. Implementation of a sentence of imprisonment.

"SUBCHAPTER D—IMPRISONMENT

"§ 3581. Sentence of imprisonment

"(a) In General.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

"(b) Authorized Terms.—The authorized terms of imprisonment are—

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty-five years;

"(3) for a Class C felony, not more than twelve years;

"(4) for a Class D felony, not more than six years;

"(5) for a Class E felony, not more than three years;

"(6) for a Class A misdemeanor, not more than one year;

"(7) for a Class B misdemeanor, not more than six months;

"(8) for a Class C misdemeanor, not more than thirty days; and

"(9) for an infraction, not more than five days.

"§ 3582. Imposition of a sentence of imprisonment

"(a) Factors To Be Considered in Imposing a Term of Imprisonment.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

"(b) Effect of Finality of Judgment.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

"(1) modified pursuant to the provisions of subsection (c);

"(2) corrected pursuant to the provisions of rule 35 and section 3742; or

"(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"(c) Modification of an Imposed Term of Imprisonment.—The court may not modify a term of imprisonment once it has been imposed except that—

"(1) in any case—

"(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

"(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

"(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(n), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

"(d) Inclusion of an Order To Limit Criminal Association of Organized Crime and Drug Offenders.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

"§ 3583. Inclusion of a term of supervised release after imprisonment

"(a) In General.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment.

"(b) Authorized Terms of Supervised Release.—The authorized terms of supervised release are—

"(1) for a Class A or Class B felony, not more than three years;

"(2) for a Class C or Class D felony, not more than two years; and

"(3) for a Class E felony, or for a misdemeanor, not more than one year.

"(c) Factors To Be Considered in Including a Term of Supervised Release.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6).

"(d) Conditions of Supervised Release.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision. The court may order, as a further condition of supervised release, to the extent that such condition—

"(1) is reasonably related to the factors set forth in section 3553 (a)(1), (a)(2)(B), and (a)(2)(D);

"(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553 (a)(2)(B) and (a)(2)(D); and

"(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563 (b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation.

"(e) Modification of Term or Conditions.—The court may, after considering the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(D), (a)(4), (a)(5), and (a)(6)—

"(1) terminate a term of supervised release previously ordered and discharge the person released at any time after the expiration of one year of supervised release, if it is satisfied that such action is warranted by the conduct of the person released and the interest of justice;

"(2) after a hearing, extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions applicable to the initial setting of the terms and conditions of post-release supervision; or

"(3) treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title.

"(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

"§ 3584. Multiple sentences of imprisonment

"(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

"(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

"(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

"§ 3585. Calculation of a term of imprisonment

"(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

"(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

"(1) as a result of the offense for which the sentence was imposed; or

"(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

"§ 3586. Implementation of a sentence of imprisonment

"The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

"CHAPTER 229—POSTSENTENCE ADMINISTRATION

"Subchapter
"A. Probation 3601
"B. Fines 3611
"C. Imprisonment 3621

"SUBCHAPTER A—PROBATION

"Sec.
"3601. Supervision of probation.
"3602. Appointment of probation officers.
"3603. Duties of probation officers.
"3604. Transportation of a probationer.
"3605. Transfer of jurisdiction over a probationer.
"3606. Arrest and return of a probationer.
"3607. Special probation and expungement procedures for drug possessor.

"SUBCHAPTER A—PROBATION

"§ 3601. Supervision of probation

"A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

"§ 3602. Appointment of probation officers

"(a) APPOINTMENT.—A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

"(b) RECORD OF APPOINTMENT.—The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

"(c) CHIEF PROBATION OFFICER.—If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

"§ 3603. Duties of probation officers

"A probation officer shall—

"(a) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

"(b) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

"(c) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

"(d) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

"(e) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked; and

"(h) perform any other duty that the court may designate.

"§ 3604. Transportation of a probationer

"A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

"(a) transportation to the place to which he is required to proceed as a condition of his probation; and

"(b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

"§ 3605. Transfer of jurisdiction over a probationer

"A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

"§ 3606. Arrest and return of a probationer

"If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

"§ 3607. Special probation and expungement procedures for drug possessors

"(a) Pre-Judgment Probation.—If a person found guilty of an offense described in section 404 of the Controlled Substances Act (21 U.S.C. 844)—

"(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

"(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565.

"(b) Record of Disposition.—A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

"(c) Expungement of Record of Disposition.—If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (21 U.S.C. 844) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

"SUBCHAPTER B—FINES

"Sec.
"3611. Payment of a fine.
"3612. Collection of an unpaid fine.
"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

"SUBCHAPTER B—FINES

"§ 3611. Payment of a fine

"A person who has been sentenced to pay a fine pursuant to the provisions of subchapter C of chapter 227 shall pay the fine immediately, or by the time and method specified by the sentencing court, to the clerk of the court. The clerk shall forward the payment to the United States Treasury.

"§ 3612. Collection of an unpaid fine

"(a) Disposition of Payment.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) Certification of Imposition.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) Responsibility for Collection.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (b). An order of restitution, pursuant to section 3556, does not create any right of action against the United States by the person to whom restitution is ordered to be paid.

"(d) Notification of Delinquency.—Within ten working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) Notification of Default.—Within ten working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"(f) Interest, Monetary Penalties for Delinquency, and Default.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) Interest.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) Monetary penalties for delinquent fines.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3613. Civil remedies for satisfaction of an unpaid fine

"(a) Lien.—A fine imposed pursuant to the provisions of subchapter C of chapter 227 is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) Expiration of Lien.—A lien becomes unenforceable and liability to pay a fine expires—

"(1) twenty years after the entry of the judgment; or

"(2) upon the death of the individual fined.

The period set forth in paragraph (1) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in paragraph (1) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT OF NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases, but in no event shall liability for payment of a fine extend beyond the period specified in subsection (b).

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

"SUBCHAPTER C—IMPRISONMENT

"Sec.
"3621. Imprisonment of a convicted person.
"3622. Temporary release of a prisoner.
"3623. Transfer of a prisoner to State authority.
"3624. Release of a prisoner.
"3625. Inapplicability of the Administrative Procedure Act.

"SUBCHAPTER C—IMPRISONMENT

"§ 3621. Imprisonment of a convicted person

"(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

"(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

"(1) the resources of the facility contemplated;
"(2) the nature and circumstances of the offense;
"(3) the history and characteristics of the prisoner;
"(4) any statement by the court that imposed the sentence—
  "(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
  "(B) recommending a type of penal or correctional facility as appropriate; and
"(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.

"(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

"(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

"§ 3622. Temporary release of a prisoner

"The Bureau of Prisons may release a prisoner from the place of his imprisonment for a limited period if such release appears to be consistent with the purpose for which the sentence was imposed and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), if such release otherwise appears to be consistent with the public interest and if there is reasonable cause to believe that a prisoner will honor the trust to be imposed in him, by authorizing him, under prescribed conditions, to—

"(a) visit a designated place for a period not to exceed thirty days, and then return to the same or another facility, for the purpose of—
  "(1) visiting a relative who is dying;
  "(2) attending a funeral of a relative;

"(3) obtaining medical treatment not otherwise available;

"(4) contacting a prospective employer;

"(5) establishing or reestablishing family or community ties; or

"(6) engaging in any other significant activity consistent with the public interest;

"(b) participate in a training or educational program in the community while continuing in official detention at the prison facility; or

"(c) work at paid employment in the community while continuing in official detention at the penal or correctional facility if—

"(1) the rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the community; and

"(2) the prisoner agrees to pay to the Bureau such costs incident to official detention as the Bureau finds appropriate and reasonable under all the circumstances, such costs to be collected by the Bureau and deposited in the Treasury to the credit of the appropriation available for such costs at the time such collections are made.

"§ 3623. Transfer of a prisoner to State authority

"The Director of the Bureau of Prisons shall order that a prisoner who has been charged in an indictment or information with, or convicted of, a State felony, be transferred to an official detention facility within such State prior to his release from a Federal prison facility if—

"(1) the transfer has been requested by the Governor or other executive authority of the State;

"(2) the State has presented to the Director a certified copy of the indictment, information, or judgment of conviction; and

"(3) the Director finds that the transfer would be in the public interest.

If more than one request is presented with respect to a prisoner, the Director shall determine which request should receive preference. The expenses of such transfer shall be borne by the State requesting the transfer.

"§ 3624. Release of a prisoner

"(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of his term of imprisonment, less any time credited toward the service of his sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—A prisoner who is serving a term of imprisonment of more than one year, other than a term of imprisonment for the duration of his life, shall receive credit toward the service of his sentence, beyond the time served, of fifty-four days at the end of each year of his term of imprisonment, beginning after the first year of the term, unless the Bureau of Prisons determines that, during that year, he has not satisfactorily complied with such institutional disciplinary regulations as have been approved by the Attorney General and issued to the prisoner. If the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, he shall receive no such credit toward service of his sentence or shall receive such lesser credit as the Bureau determines to be appropriate. The Bureau's determination shall be made within fifteen days after the end of each year of the sentence. Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

"(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his re-entry into the community. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

"(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of his term of imprisonment, the Bureau of Prisons shall furnish him with—

"(1) suitable clothing;

"(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

"(3) transportation to the place of his conviction, to his bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

"(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment. The term runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release, except that it does not run during any period in which the person is imprisoned, other than during limited intervals as a condition of probation or supervised release, in connection with a conviction for a Federal, State, or local crime. No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.

"§ 3625. Inapplicability of the Administrative Procedure Act

"The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this subchapter.";

(3) in section 3663 (formerly section 3579):

(A) by amending subsection (g) to read as follows:

"(g) If such defendant is placed on probation or sentenced to a term of supervised release under this title, any restitution ordered under this section shall be a condition of such probation or supervised release. The court may revoke probation, or modify the term or conditions of a term of supervised release, or hold a defendant in contempt pursuant to section 3583(e) if the defendant fails to comply with such order. In determining whether to revoke probation, modify the term or conditions of supervised release, or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay."; and

(B) by amending subsection (h) to read as follows:

"(h) An order of restitution may be enforced by the United States in the manner provided in sections 3812 and 3813 or in the same manner as a judgment in a civil action, and by the victim named in the order to receive the restitution in the same manner as a judgment in a civil action.";

(4) adding the following new section at the end of chapter 232:

"§ 3673. Definitions for sentencing provisions

"As used in chapters 227 and 229—

"(a) 'found guilty' includes acceptance by a court of a plea of guilty or nolo contendere;

"(b) 'commission of an offense' includes the attempted commission of an offense, the consummation of an offense, and any immediate flight after the commission of an offense; and

"(c) 'law enforcement officer' means a public servant authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense."; and

(5) adding the following caption and sectional analysis at the beginning of new chapter 232:

"CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

"Sec.
"3661. Use of information for sentencing.
"3662. Conviction records.
"3663. Order of restitution.
"3664. Procedure for issuing order of restitution.
"3665. Firearms possessed by convicted felons.
"3666. Bribe moneys.
"3667. Liquors and related property; definitions.
"3668. Remission or mitigation of forfeitures under liquor laws; possession pending trial.
"3669. Conveyance carrying liquor.
"3670. Disposition of conveyances seized for violation of the Indian liquor laws.
"3671. Vessels carrying explosives and steerage passengers.
"3672. Duties of Director of Administrative Office of the United States Courts.
"3673. Definitions for sentencing provisions.".

(b) The chapter analysis of part II of title 18, United States Code, is amended by striking out the items relating to chapters 227, 229, and 231, and inserting in lieu thereof the following:

"227. Sentences 3551
"229. Post-Sentence Administration 3601
"231. Repealed ....
"232. Miscellaneous Sentencing Provisions .... 3661".

SEC. 213. (a) Chapter 235 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 3742. Review of a sentence

"(a) APPEAL BY A DEFENDANT.—A defendant may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a); or

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

"(b) APPEAL BY THE GOVERNMENT.—The Government may file a notice of appeal in the district court for review of an otherwise final sentence if the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;

and the Attorney General or the Solicitor General personally approves the filing of the notice of appeal.

"(c) RECORD ON REVIEW.—If a notice of appeal is filed in the district court pursuant to subsection (a) or (b), the clerk shall certify to the court of appeals—

"(1) that portion of the record in the case that is designated as pertinent by either of the parties;

"(2) the presentence report; and

"(3) the information submitted during the sentencing proceeding.

"(d) CONSIDERATION.—Upon review of the record, the court of appeals shall determine whether the sentence—

"(1) was imposed in violation of law;

"(2) was imposed as a result of an incorrect application of the sentencing guidelines; or

"(3) is outside the range of the applicable sentencing guideline, and is unreasonable, having regard for—

"(A) the factors to be considered in imposing a sentence, as set forth in chapter 227 of this title; and

"(B) the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c).

The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous.

"(e) Decision and Disposition.—If the court of appeals determines that the sentence—

"(1) was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it shall—

"(A) remand the case for further sentencing proceedings; or

"(B) correct the sentence;

"(2) is outside the range of the applicable sentencing guideline and is unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and—

"(i) remand the case for imposition of a lesser sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a lesser sentence;

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and—

"(i) remand the case for imposition of a greater sentence;

"(ii) remand the case for further sentencing proceedings; or

"(iii) impose a greater sentence; or

"(3) was not imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, and is not unreasonable, it shall affirm the sentence.".

(b) The sectional analysis of chapter 235 of title 18, United States Code, is amended by adding the following new item after the item relating to section 3741:

"3742. Review of a sentence.".

Sec. 214. Chapter 403 of title 18, United States Code is amended as follows:

(a) Section 5037 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsections (a) and (b) and inserting the following new subsections in lieu thereof:

"(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a disposition hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (e). After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, enter an order of restitution pursuant to section 3556, place him on probation, or commit him to official detention. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

"(A) three years; or

"(B) the maximum term that would be authorized by section 3561(b) if the juvenile had been tried and convicted as an adult.

The provisions dealing with probation set forth in sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between eighteen and twenty-one years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond five years; or

"(B) in any other case beyond the lesser of—

"(i) three years; or

"(ii) the maximum term of imprisonment that would be authorized by section 3581(b) if the juvenile had been tried and convicted as an adult.".

(b) Section 5041 is repealed.

(c) Section 5042 is amended by—

(1) striking out "parole or" each place it appears in the caption and text; and

(2) striking out "parolee or".

(d) The sectional analysis is amended by striking out the items relating to sections 5041 and 5042 and inserting in lieu thereof the following:

"5041. Repealed.
"5042. Revocation of Probation.".

Sec. 215. The Federal Rules of Criminal Procedure are amended as follows:

(a) Rule 32 is amended—

(1) by deleting subdivision (a)(1) and inserting in lieu thereof the following:

"(1) Imposition of Sentence.—Sentence shall be imposed without unnecessary delay, but the court may, upon a motion that is jointly filed by the defendant and by the attorney for the Government and that asserts a factor important to the sentencing determination is not capable of being resolved at that time, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved. Prior to the sentencing hearing, the court shall provide the counsel for the defendant and the attorney for the Government with notice of the probation officer's determination, pursuant to the provisions of subdivision (c)(2)(B), of the sentencing classifications and sentencing guideline range believed to be applicable to the case. At the sentencing hearing, the court shall afford the counsel for the defendant and the attorney for the Government an opportunity to comment upon the probation officer's determination and on other matters relating to the appropriate sentence. Before imposing sentence, the court shall also—

"(A) determine that the defendant and his counsel have had the opportunity to read and discuss the presentence investigation report made available pursuant to subdivision (c)(3)(A) or summary thereof made available pursuant to subdivision (c)(3)(B);

"(B) afford counsel for the defendant an opportunity to speak on behalf of the defendant; and

"(C) address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of the sentence.

The attorney for the Government shall have an equivalent opportunity to speak to the court. Upon a motion that is jointly filed by the defendant and by the attorney for the Government, the court may hear in camera such a statement by the defendant, counsel for the defendant, or the attorney for the Government.";

(2) in subdivision (a)(2), by adding ", including any right to appeal the sentence," after "right to appeal" in the first sentence;

(3) in subdivision (a)(2), by adding ", except that the court shall advise the defendant of any right to appeal his sentence" after "nolo contendere" in the second sentence;

(4) by amending the first sentence of subdivision (c)(1) to read as follows:

"A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.";

(5) by amending subdivision (c)(2) to read as follows:

"(2) REPORT.—The report of the presentence investigation shall contain—

"(A) information about the history and characteristics of the defendant, including his prior criminal record, if any, his financial condition, and any circumstances affecting his behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant;

"(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case; the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length than one within the applicable guideline would be more appropriate under all the circumstances;

"(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2);

"(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

"(E) unless the court orders otherwise, information concerning the nature and extent of nonprison programs and resources available for the defendant; and

"(F) such other information as may be required by the court.";

(6) in subdivision (c)(3)(A), by deleting "exclusive of any recommendations as to sentence" and inserting in lieu thereof ", including the information required by subdivision (c)(2) but not including any final recommendation as to sentence,";

(7) in subdivision (c)(3)(D), delete "or the Parole Commission";

(8) in subdivision (c)(3)(F), delete "or the Parole Commission pursuant to 18 U.S.C. §§ 4205(c), 4252, 5010(e), or 5037(c)" and substitute "pursuant to 18 U.S.C. § 3552(b)"; and

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18 U.S.C. § 4205(c)," in subdivision (d).

(b) Rule 35 is amended to read as follows:

"Rule 35. Correction of Sentence

"(a) CORRECTION OF A SENTENCE ON REMAND.—The court shall correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the sentencing guidelines, or to be unreasonable, upon remand of the case to the court—

"(1) for imposition of a sentence in accord with the findings of the court of appeals; or

"(2) for further sentencing proceedings if, after such proceedings, the court determines that the original sentence was incorrect.

"(b) CORRECTION OF SENTENCE FOR CHANGED CIRCUMSTANCES.—The court, on motion of the Government, may within one year after the imposition of a sentence, lower a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a).".

(c) Rule 38 is amended—

(1) by amending the caption to read: "Stay of Execution" and deleting "(a) Stay of Execution.";

(2) by deleting subdivisions (b) and (c);

(3) by redesignating subdivisions (a)(1) through (a)(4) as subdivisions (a) through (d), respectively;

(4) in subdivision (a), by adding "from the conviction or sentence" after "is taken";

(5) in the first sentence of subdivision (b), by adding "from the conviction or sentence" after "is taken";

(6) by amending subdivision (d) to read as follows:

"(d) PROBATION.—A sentence of probation may be stayed if an appeal from the conviction or sentence is taken. If the sentence is stayed, the court shall fix the terms of the stay."; and

(7) by adding new subdivisions (e) and (f) as follows:

"(e) CRIMINAL FORFEITURE, NOTICE TO VICTIMS, AND RESTITUTION.—A sanction imposed as part of the sentence pursuant to 18 U.S.C. 3554, 3555, or 3556 may, if an appeal of the conviction or sentence is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may issue such orders as may be reasonably necessary to ensure compliance with the sanction upon disposition of the appeal, including the entering of a restraining order or an injunction or requiring a deposit in whole or in part of the monetary amount involved into the registry of the district court or execution of a performance bond.

"(f) DISABILITIES.—A civil or employment disability arising under a Federal statute by reason of the defendant's conviction or sentence, may, if an appeal is taken, be stayed by the district court or by the court of appeals upon such terms as the court finds appropriate. The court may enter a restraining order or an injunction, or take any other action that may be reasonably necessary to protect the interest represented by the disability pending disposition of the appeal.".

(d) Rule 40 is amended by deleting "3653" in subdivision (d)(1) and inserting in lieu thereof "3605".

(e) Rule 54 is amended by amending the definition of "Petty offense" in subdivision (c) to read as follows: " 'Petty offense' means a class B or C misdemeanor or an infraction.".

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

(g) The Table of Rules that precedes Rule 1 is amended as follows:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence

"(a) Correction of a sentence on remand.
"(b) Correction of a sentence for changed circumstances."

(2) The item relating to Rule 38 is amended to read as follows:

"38. Stay of Execution

"(a) Death.
"(b) Imprisonment.
"(c) Fine.
"(d) Probation.
"(e) Criminal forfeiture, notice to victims, and restitution.
"(f) Disabilities.".

SEC. 216. (a) The Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates are amended by adding the following new rule at the end thereof:

"Rule 9. Definition

"As used in these rules, 'petty offense' means a Class B or C misdemeanor or an infraction.".

(b) The Table of Rules that precedes Rule 1 is amended by adding at the end thereof the following new item:

"9. Definition.".

SEC. 217. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

"CHAPTER 58—UNITED STATES SENTENCING COMMISSION

"Sec.
"991. United States Sentencing Commission; establishment and purposes.
"992. Terms of office; compensation.
"993. Powers and duties of Chairman.
"994. Duties of the Commission.
"995. Powers of the Commission.
"996. Director and staff.
"997. Annual report.
"998. Definitions.

"§ 991. United States Sentencing Commission; establishment and purposes

"(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least three of the members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

"(b) The purposes of the United States Sentencing Commission are to—

"(1) establish sentencing policies and practices for the Federal criminal justice system that—

"(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

"§ 992. Terms of office; compensation

"(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

"(1) two members, including the Chairman, serve terms of six years;

"(2) three members serve terms of four years; and

"(3) two members serve terms of two years.

"(b) No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge.

"§ 993. Powers and duties of Chairman

"The Chairman shall—

"(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

"(b) direct—

"(1) the preparation of requests for appropriations for the Commission; and

"(2) the use of funds made available to the Commission.

"§ 994. Duties of the Commission

"(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and title 18, United States Code, shall promulgate and distribute to all courts of the United States and to the United States Probation System—

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

"(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;

"(B) a determination as to the appropriate amount of a fine or the appropriate length of a term of probation or a term of imprisonment;

"(C) a determination whether a sentence to a term of imprisonment should include a requirement that the defendant be placed on a term of supervised release after imprisonment, and, if so, the appropriate length of such a term; and

"(D) a determination whether multiple sentences to terms of imprisonment should be ordered to run concurrently or consecutively;

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes set forth in section 3553(a)(2) of title 18, United States Code, including the appropriate use of—

"(A) the sanctions set forth in sections 3554, 3555, and 3556 of title 18;

"(B) the conditions of probation and supervised release set forth in sections 3563(b) and 3583(d) of title 18;

"(C) the sentence modification provisions set forth in sections 3563(c), 3573, and 3582(c) of title 18;

"(D) the authority granted under rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement entered into pursuant to rule 11(e)(1); and

"(E) the temporary release provisions set forth in section 3622 of title 18, and the prerelease custody provisions set forth in section 3624(c) of title 18; and

"(3) guidelines or general policy statements regarding the appropriate use of the probation revocation provisions set forth in section 3565 of title 18, and the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

"(b) The Commission, in the guidelines promulgated pursuant to subsection (a)(1), shall, for each category of offense involving each category of defendant, establish a sentencing range that is consistent with all pertinent provisions of title 18, United States Code. If a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 per centum.

"(c) The Commission, in establishing categories of offenses for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) the grade of the offense;

"(2) the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense;

"(3) the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust;

"(4) the community view of the gravity of the offense;

"(5) the public concern generated by the offense;

"(6) the deterrent effect a particular sentence may have on the commission of the offense by others; and

"(7) the current incidence of the offense in the community and in the Nation as a whole.

"(d) The Commission in establishing categories of defendants for use in the guidelines and policy statements governing the imposition of sentences of probation, a fine, or imprisonment, governing the imposition of other authorized sanctions, governing the size of a fine or the length of a term of probation, imprisonment, or supervised release, and governing the conditions of probation, supervised release, or imprisonment, shall consider whether the following matters, among others, with respect to a defendant, have any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance—

"(1) age;

"(2) education;

"(3) vocational skills;

"(4) mental and emotional condition to the extent that such condition mitigates the defendant's culpability or to the extent that such condition is otherwise plainly relevant;

"(5) physical condition, including drug dependence;

"(6) previous employment record;

"(7) family ties and responsibilities;

"(3) community ties;

"(9) role in the offense;

"(10) criminal history; and

~~"(11)~~ degree of dependence upon criminal activity for a livelihood.

The Commission shall assure that the guidelines and policy statements are entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders.

"(e) The Commission shall assure that the guidelines and policy statements, in recommending a term of imprisonment or length of a term of imprisonment, reflect the general inappropriateness of considering the education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant.

"(f) The Commission, in promulgating guidelines pursuant to subsection (a)(1), shall promote the purposes set forth in section 991(b)(1), with particular attention to the requirements of subsection 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities.

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter. The sentencing guidelines prescribed under this chapter shall be formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons, as determined by the Commission.

"(h) The Commission shall assure that the guidelines will specify a sentence to a term of imprisonment at or near the maximum term authorized by section 3581(b) of title 18, United States Code, for categories of defendants in which the defendant is eighteen years old or older and—

"(1) has been convicted of a felony that is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a); and

"(2) has previously been convicted of two or more prior felonies, each of which is—

"(A) a crime of violence; or

"(B) an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), sections 1002(a), 1005, and 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, and 959), and section 1 of the Act of September 15, 1980 (21 U.S.C. 955a).

"(i) The Commission shall assure that the guidelines will specify a sentence to a substantial term of imprisonment for categories of defendants in which the defendant—

"(1) has a history of two or more prior Federal, State, or local felony convictions for offenses committed on different occasions;

"(2) committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income;

"(3) committed the offense in furtherance of a conspiracy with three or more persons engaging in a pattern of racketeering activity in which the defendant participated in a managerial or supervisory capacity;

"(4) committed a crime of violence that constitutes a felony while on release pending trial, sentence, or appeal from a Federal, State, or local felony for which he was ultimately convicted; or

"(5) committed a felony that is set forth in section 401 or 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 and 960), and that involved trafficking in a substantial quantity of a controlled substance.

"(j) The Commission shall insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and the general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious bodily injury.

"(k) The Commission shall insure that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational or vocational training, medical care, or other correctional treatment.

"(l) The Commission shall insure that the guidelines promulgated pursuant to subsection (a)(1) reflect—

"(1) the appropriateness of imposing an incremental penalty for each offense in a case in which a defendant is convicted of—

"(A) multiple offenses committed in the same course of conduct that result in the exercise of ancillary jurisdiction over one or more of the offenses; and

"(B) multiple offenses committed at different times, including those cases in which the subsequent offense is a violation of section 3146 (penalty for failure to appear) or is committed while the person is released pursuant to the provisions of section 3147 (penalty for an offense committed while on release) of title 18; and

"(2) the general inappropriateness of imposing consecutive terms of imprisonment for an offense of conspiring to commit an offense or soliciting commission of an offense and for an offense that was the sole object of the conspiracy or solicitation.

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing described in section 3553(a)(2) of title 18, United States Code.

"(n) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, the Bureau of Prisons, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work.

"(o) The Commission, at or after the beginning of a regular session of Congress but not later than the first day of May, shall report to the Congress any amendments of the guidelines promulgated pursuant to subsection (a)(1), and a report of the reasons therefor, and the amended guidelines shall take effect one hundred and eighty days after the Commission reports them, except to the extent the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress.

"(p) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—

"(1) modernization of existing facilities;

"(2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and

"(3) use of existing Federal facilities, such as those currently within military jurisdiction.

"(q) The Commission, within three years of the date of enactment of the Sentencing Reform Act of 1983, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate.

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

Within one hundred and eighty days of the filing of such petition the Commission shall provide written notice to the defendant whether or not it has approved the petition. If the petition is disapproved the written notice shall contain the reasons for such disapproval. The Commission shall submit to the Congress at least annually an analysis of such written notices.

"(s) The Commission, in promulgating general policy statements regarding the sentencing modification provisions in section 3582(c)(1)(A) of title 18, shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples. Rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason.

"(t) If the Commission reduces the term of imprisonment recommended in the guidelines applicable to a particular offense or category of offenses, it shall specify by what amount the sentences of prisoners serving terms of imprisonment that are outside the applicable guideline ranges for the offense may be reduced.

"(u) The Commission shall ensure that the general policy statements promulgated pursuant to subsection (a)(2) include a policy limiting consecutive terms of imprisonment for an offense involving a violation of a general prohibition and for an offense involving a violation of a specific prohibition encompassed within the general prohibition.

"(v) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis.

"(w) The provisions of section 553 of title 5, relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section.

"§ 995. Powers of the Commission

"(a) The Commission, by vote of a majority of the members present and voting, shall have the power to—

"(1) establish general policies and promulgate such rules and regulations for the Commission as are necessary to carry out the purposes of this chapter;

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332);

"(3) deny, revise, or ratify any request for regular, supplemental, or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman;

"(4) procure for the Commission temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code;

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims;

"(8) request such information, data, and reports from any Federal agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;

"(11) arrange with the head of any other Federal agency for the performance by such agency of any function of the Commission, with or without reimbursement;

"(12) establish a research and development program within the Commission for the purpose of—

"(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

"(B) assisting and serving in a consulting capacity to Federal courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;

"(14) publish data concerning the sentencing process;

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code;

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties; and

"(22) perform such other functions as are required to permit Federal courts to meet their responsibilities under section 3553(a) of title 18, United States Code, and to permit others involved in the Federal criminal justice system to meet their related responsibilities.

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a) (1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the Administrative Office of the United States Courts and the Federal Judicial Center for the purpose of avoiding unnecessary duplication.

"(c) Upon the request of the Commission, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions.

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it.

"§ 996. Director and staff

"(a) The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission.

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code, except the following chapters: 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest).

"§ 997. Annual report

"The Commission shall report annually to the Judicial Conference of the United States, the Congress, and the President of the United States on the activities of the Commission.

"§ 998. Definitions

"As used in this chapter—

"(a) 'Commission' means the United States Sentencing Commission;

"(b) 'Commissioner' means a member of the United States Sentencing Commission;

"(c) 'guidelines' means the guidelines promulgated by the Commission pursuant to section 994(a) of this title; and

"(d) 'rules and regulations' means rules and regulations promulgated by the Commission pursuant to section 995 of this title.".

(b) The chapter analysis of part III of title 28, United States Code, is amended by adding after the item relating to chapter 57 the following new item:

"58. United States Sentencing Commission .... 991".

REPEALERS

SEC. 218. (a) The following provisions of title 18, United States Code, are repealed:

(1) section 1;
(2) section 3012;
(3) sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085;
(4) chapter 309;
(5) chapter 311;
(6) chapter 314;
(7) sections 4281, 4283, and 4284; and
(8) chapter 402.

Redesignate subsections in section 4082 accordingly.

(b) The item relating to section 1 in the sectional analysis of chapter 1 of title 18, United States Code, is amended to read:

"1. Repealed.".

(c) The item relating to section 3012 in the sectional analysis of chapter 201 of title 18, United States Code, is amended to read:

"3012. Repealed.".

(d) The chapter analysis of Part III of title 18, United States Code, is amended by amending the items relating to—

(1) chapters 309 and 311 to read as follows:

"309. Repealed
"311. Repealed ";

and

(2) chapter 314 to read as follows:

"314. Repealed ".

(e) The items relating to sections 4084 and 4085 in the sectional analysis of chapter 305 of title 18, United States Code, are amended to read as follows:

"4084. Repealed.
"4085. Repealed.".

(f) The sectional analysis of chapter 315 of title 18, United States Code, is amended by amending the items relating to—

(1) section 4281 to read:

"4281. Repealed.";

and

(2) sections 4283 and 4284 to read as follows:

"4283. Repealed.
"4284. Repealed.".

(g) The item relating to chapter 402 in the chapter analysis of Part IV of title 18, United States Code, is amended to read as follows:

"402. Repealed ".

SEC. 219. (a) Sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849) are repealed.

(b) Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by deleting the designation "(a)" at the beginning of the subsection.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 220. The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended as follows:

(a) The second sentence of section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended to read: "An alien who would be excludable because of the conviction of an offense for which the sentence actually imposed did not exceed a term of imprisonment in excess of six months, or who would be excludable as one who admits the commission of an offense for which a sentence not to exceed one year's imprisonment might have been imposed on him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.".

(b) Section 242(h) (8 U.S.C. 1252(h)) is amended by adding "supervised release," after "parole,".

SEC. 221. Section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) is amended by deleting "petty offense (18 U.S.C. 1)" and substituting "misdemeanor".

SEC. 222. Section 9 of the Act of October 8, 1964 (16 U.S.C. 460n-8) is amended—

(a) in the first paragraph, by deleting "commissioner" each place it appears and substituting "magistrate"; and

(b) in the second paragraph, by amending the first sentence to read: "The functions of the magistrate shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18, United States Code.".

SEC. 223. Title 18 of the United States Code is amended as follows:

(a) Section 924(a) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

(b) Section 1161 is amended by deleting "3618" and substituting "3669".

(c) Section 1761(a) is amended by adding ", supervised release," after "parole".

(d) Section 2114 is amended by adding "not more than" after "imprisoned".

(e) Section 3006A is amended—

(1) in subsections (a)(1) and (b), by deleting "misdemeanor (other than a petty offense as defined in section 1 of this title)" each place it appears and substituting "Class A misdemeanor"; and

(2) in subsections (a)(3) and (g), deleting "subject to revocation of parole," each place it appears.

(f) Section 3143, as amended by this Act, is amended—

(1) in subsection (a), by adding "other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment," after "sentence,"; and

(2) in subsection (c), by adding the following at the end thereof: "The judge shall treat a defendant in a case in which an appeal has been taken by the United States pursuant to the provisions of section 3742 in accordance with the provisions of—

"(1) subsection (a) if the person has been sentenced to a term of imprisonment; or

"(2) section 3142 if the person has not been sentenced to a term of imprisonment.".

(g) Section 3147, as amended by this Act, is amended—

(1) in paragraph (1), by deleting "not less than two years and"; and

(2) in paragraph (2), by deleting "not less than ninety days and".

(h) Section 3156(b)(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(i) Section 3172(2) is amended by deleting "petty offense as defined in section 1(3) of this title" and substituting "Class B or C misdemeanor or an infraction".

(j) Section 3401 is amended—

(1) by repealing subsection (g) and redesignating (h) to (g); and

(2) in subsection (h), by deleting "petty offense case" and substituting "Class B or C misdemeanor case, or infraction case,".

(k) Section 3670 (formerly section 3619) is amended by deleting "3617" and "3618" and substituting "3668" and "3669", respectively.

(l) Section 4004 is amended by deleting "record clerks, and parole officers" and substituting "and record clerks".

(m) Chapter 306 is amended as follows:

(1) Section 4101 is amended—

(A) in subsection (f), by adding ", including a term of supervised release pursuant to section 3583" after "supervision"; and

(B) in subsection (g), by deleting "to a penalty of imprisonment the execution of which is suspended and" and substituting "under which", and by deleting "the suspended" and substituting "a".

(2) Section 4105(c) is amended—

(A) in paragraph (1), by deleting "for good time" the second place it appears and substituting "toward service of sentence for satisfactory behavior";

(B) in paragraphs (1) and (2), by deleting "section 4161" and substituting "section 3624(b)";

(C) in paragraph (1), by deleting "section 4164" and substituting "section 3624(a)";

(D) by repealing paragraph (3);

(E) by amending paragraph (4) to read as follows:

"(3) Credit toward service of sentence may be withheld as provided in section 3624(b) of this title."; and

(F) by redesignating paragraphs accordingly.

(3) Section 4106 is amended—

(A) in subsection (a), by deleting "Parole Commission" and substituting "Probation System";

(B) by amending subsection (b) to read as follows:

"(b) An offender transferred to the United States to serve a sentence of imprisonment shall be released pursuant to section 3624(a) of this title after serving the period of time specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1). He shall be released to serve a term of supervised release for any term specified in the applicable guideline. The provisions of section 3742 of this title apply to a sentence to a term of imprisonment under this subsection, and the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States has jurisdiction to review the period of imprisonment as though it had been imposed by the United States district court."; and

(C) by repealing subsection (c).

(4) Section 4108(a) is amended by adding ", including any term of imprisonment or term of supervised release specified in the applicable sentencing guideline promulgated pursuant to 28 U.S.C. 994(a)(1)," after "consequences thereof".

(n) Section 4321 is amended by deleting "parole or".

(o) Section 4351(b) is amended by deleting "Parole Board" and substituting "Sentencing Commission".

(p) Section 5002 is amended by deleting "Board of Parole, the Chairman of the Youth Division," and substituting "United States Sentencing Commission,".

SEC. 224. The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 401 (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A), by deleting the last sentence;

(2) in subsection (b)(1)(B), by deleting the last sentence;

(3) in subsection (b)(2), by deleting the last sentence;

(4) in subsection (b)(4), by deleting "subsections (a) and (b) of", and by adding "and section 3607 of title 18, United States Code" after "404";

(5) in subsection (b)(5), by deleting the last sentence; and

(6) by repealing subsection (c).

(b) Section 405 (21 U.S.C. 845) is amended—

(1) in subsection (a), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule"; and

(2) in subsection (b), by deleting "(1)" the second place it appears, and by deleting ", and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule".

(c) Section 408(c) (21 U.S.C. 848(c)) is amended by deleting "and section 4202 of title 18 of the United States Code".

SEC. 225. The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended as follows:

(a) Section 1010 (21 U.S.C. 960) is amended—

(1) in subsection (b)(1), by deleting the last sentence;

(2) in subsection (b)(2), by deleting the last sentence; and

(3) by repealing subsection (c).

(b) Section 1012(a) (21 U.S.C. 962(a)) is amended by deleting the last sentence.

SEC. 226. Section 114(b) of title 23, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 227. Section 5871 of the Internal Revenue Code of 1954 (26 U.S.C. 5871) is amended by deleting ", and shall become eligible for parole as the Board of Parole shall determine".

SEC. 228. Title 28 of the United States Code is amended as follows:

(a) Section 509 is amended—

(1) by adding "and" after paragraph (2) and, in paragraph (3), by deleting "; and" and substituting a period; and

(2) by repealing paragraph (4).

(b) Section 591(a) is amended by deleting "petty offense" and substituting "Class B or C misdemeanor or an infraction".

(c) Section 2901 is amended—

(1) in subsection (e), by deleting "section 1" and substituting "section 3581"; and

(2) in subsection (g)(3), by adding ", supervised release," after "parole", and by adding "supervised release," after "parole,".

SEC. 229. Section 504(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504(a)) and section 411(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(a)) are amended—

(a) by deleting "the Board of Parole of the United States Department of Justice" and substituting "if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, on motion of the United States Department of Justice, the district court of the United States for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

(b) by deleting "Board" and "Board's" and substituting "court" and "court's", respectively; and

(c) by deleting "an administrative" and substituting "a".

SEC. 230. Section 411(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111(c)(3)) is amended by adding "or supervised release" after "parole".

SEC. 231. Section 425(b) of the Job Training and Partnership Act is amended by deleting "or parole" the first place it appears and substituting ", parole, or supervised release".

SEC. 232. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(a) Section 341(a) (42 U.S.C. 257(a)) is amended by deleting "or convicted of offenses against the United States and sentenced to treatment" and "addicts who are committed to the custody of the Attorney General pursuant to provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code),".

(b) Section 343(d) (42 U.S.C. 259(d)) is amended by adding "or supervised release" after "parole".

SEC. 232A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

SEC. 233. Section 11507 of title 49, United States Code, is amended by adding ", supervised release," after "parole".

SEC. 234. Section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 460(b)(7)) is amended by deleting "parole" and substituting "release".

EFFECTIVE DATE

SEC. 235. (a)(1) This chapter shall take effect on the first day of the first calendar month beginning twenty-four months after the date of enactment, except that—

(A) the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment;

(B)(i) chapter 58 of title 28, United States Code, shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the United States Sentencing Commission shall submit the initial sentencing guidelines promulgated to section 994(a)(1) of title 28 to the Congress within eighteen months of the effective date of the chapter; and

(ii) the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, shall not go into effect until the day after—

(I) the United States Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(II) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within one hundred and fifty days of submission of the guidelines, reported to the Congress the results of its study; and

(III) the Congress has had six months after the date described in subclause (I) in which to examine the guidelines and consider the reports; and

(IV) the provisions of sections 227 and 228 shall take effect on the date of enactment.

(2) For the purposes of section 992(a) of title 28, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii).

(b)(1) The following provisions of law in effect on the day before the effective date of this Act shall remain in effect for five years after the effective date as to an individual convicted of an offense or adjudicated to be a juvenile delinquent before the effective date and as to a term of imprisonment during the period described in subsection (a)(1)(B):

(A) Chapter 311 of title 18, United States Code.

(B) Chapter 309 of title 18, United States Code.

(C) Sections 4251 through 4255 of title 18, United States Code.

(D) Sections 5041 and 5042 of title 18, United States Code.

(E) Sections 5017 through 5020 of title 18, United States Code, as to a sentence imposed before the date of enactment.

(F) The maximum term of imprisonment in effect on the effective date for an offense committed before the effective date.

(G) Any other law relating to a violation of a condition of release or to arrest authority with regard to a person who violates a condition of release.

(2) Notwithstanding the provisions of section 4202 of title 18, United States Code, as in effect on the day before the effective date of this Act, the term of office of a Commissioner who is in office on the effective date is extended to the end of the five-year period after the effective date of this Act.

(3) The United States Parole Commission shall set a release date, for an individual who will be in its jurisdiction the day before the expiration of five years after the effective date of this Act, that is within the range that applies to the prisoner under the applicable parole guideline. A release date set pursuant to this paragraph shall be set early enough to permit consideration of an appeal of the release date, in accordance with Parole Commission procedures, before the expiration of five years following the effective date of this Act.

(4) Notwithstanding the other provisions of this subsection, all laws in effect on the day before the effective date of this Act pertaining to an individual who is—

(A) released pursuant to a provision listed in paragraph (1); and

(B)(i) subject to supervision on the day before the expiration of the five-year period following the effective date of this Act; or

(ii) released on a date set pursuant to paragraph (3);

including laws pertaining to terms and conditions of release, revocation of release, provision of counsel, and payment of transportation costs, shall remain in effect as to the individual until the expiration of his sentence, except that the district court shall determine, in accord with the Federal Rules of Criminal Procedure, whether release should be revoked or the conditions of release amended for violation of a condition of release.

(5) Notwithstanding the provisions of section 991 of title 28, United States Code, and sections 4351 and 5002 of title 18, United States Code, the Chairman of the United States Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the United States Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the United States Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of section 4351 of title 18, during the five-year period the National Institute of Corrections shall have seventeen members, including seven ex officio members. Notwithstanding the provisions of section 991 of title 28, during the five-year period the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members.

SEC. 236. (a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, go into effect, the General Accounting Office shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study.

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any

problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine—

(1) whether the sentencing guideline system has been effective;

(2) whether any changes should be made in the sentencing guideline system; and

(3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended.

SEC. 237. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within one hundred and twenty days, notify the person by certified mail of his obligation, within thirty days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within one hundred and eighty days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 238. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to ensure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within thirty days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than ninety days delinquent. When a criminal fine is in default, the entire amount is due within thirty days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within ten working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within ten working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within ten working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within thirty days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the thirty-first day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES.—

"(1) twenty years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within thirty days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565 Repealed."

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning twenty-four months after the date of enactment of this Act.

SEC. 239. Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to ensure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, Federal sentencing practice should ensure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

CHAPTER III—FORFEITURE

SEC. 301. This title may be cited as the "Comprehensive Forfeiture Act of 1984".

PART A

SEC. 302. Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States, irrespective of any provision of State law—

"(1) any interest the person has acquired or maintained in violation of section 1962;

"(2) any—

"(A) interest in;

"(B) security of;

"(C) claim against; or

"(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

"(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) The Attorney General may promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"(m)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.".

PART B

SEC. 303. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 841 et seq.) is amended by adding at the end thereof the following new sections 413 and 414:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

"MEANING OF TERM 'PROPERTY'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

"THIRD PARTY TRANSFERS

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(d) If any of the property described in subsection (a)—

"(1) cannot be located;

"(2) has been transferred to, sold to, or deposited with a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value by any act or omission of the defendant; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"REBUTTABLE PRESUMPTION

"(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

"(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

"(2) there was no likely source for such property other than the violation of this title or title III.

"PROTECTIVE ORDERS

"(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"WARRANT OF SEIZURE

"(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"EXECUTION

"(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"DISPOSITION OF PROPERTY

"(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"AUTHORITY OF THE ATTORNEY GENERAL

"(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

"(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"BAR ON INTERVENTION

"(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"JURISDICTION TO ENTER ORDERS

"(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"DEPOSITIONS

"(n) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

"THIRD PARTY INTERESTS

"(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

"INVESTMENT OF ILLICIT DRUG PROFITS

"SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to 1 per centum of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

"(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

"(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.".

SEC. 304. Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 305. Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 306. Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d), by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "and remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

SEC. 307. Part A of title III of the Comprehensive Drug Abuse

Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 308. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after

"Sec. 412. Applicability of treaties and other international agreements.".

the following new items:

"Sec. 413. Criminal forfeitures.
"Sec. 414. Investment of illicit drug profits.".

and

(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury.".

the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C

SEC. 309. (a) Section 511(e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)(1)) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before "The proceeds from any sale under paragraph (2)" the following: "The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.".

(c) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is further amended by striking out "the general fund of the United States Treasury" in the sentence beginning "The Attorney General shall" and inserting in lieu thereof "accordance with section 524(c) of title 28, United States Code".

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the general fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

PART D

SEC. 311. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"(a) If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances;

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.

"(b) As used in this section, the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 312. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended in the second sentence by inserting after "penal sum of" the following: "$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than,".

SEC. 313. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof "after deducting expenses enumerated in section 613 of this Act into the Customs Forfeiture Fund.".

SEC. 314. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 315. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 606 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such value of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 316. Section 613(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1613(a)(3)) is amended to read as follows:

"(3) The residue shall be deposited in the Customs Forfeiture Fund.".

SEC. 317. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs Forfeiture Fund

"(a) There is hereby established in the Treasury of the United States a special fund for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund' (hereinafter referred to in this section as the 'fund'). This fund shall be available without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the United States Customs Service—

"(1) the payment of all proper expenses of the seizure or detention or the proceedings of forfeiture and sale (not otherwise recovered under section 613(a)) including but not limited to, expenses of inventory, security, maintaining the custody of the property, advertising and sale, and if condemned by the court and a bond for such costs was not given, the costs as taxed by the court; and

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended.

"(b) There shall be deposited in the fund all proceeds from the sale or other disposition of property forfeited under, and any currency or monetary instruments seized and forfeited under, the laws enforced or administered by the United States Customs Service.

"(c) Amounts in the fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(d) The Commissioner of Customs shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this section.

"(e) The provisions of this section relating to deposits in the fund shall apply to all property in the custody of the United States Customs Service on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(f) For the purposes described in subsection (a), there are authorized to be appropriated from the fund for fiscal year 1984 not more than $10,000,000, for fiscal year 1985 not more than $15,000,000, for fiscal year 1986, not more than $20,000,000, and for fiscal year 1987 not more than $20,000,000. Amounts in the fund in excess of the amounts appropriated at the end of each fiscal year shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which appropriations from the fund are authorized by this Act, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.".

SEC. 318. A new section 616 is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of the law, the Commissioner is authorized to retain forfeited property, or to transfer such property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this Act in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this Act, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law.

"(c) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 319. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by—

(a) striking out "$50,000" each time it appears and inserting in lieu thereof "$150,000"; and

(b) adding at the end thereof "In no event shall the Secretary delegate the authority to pay an award under this section in excess of $10,000 to an official below the level of the Commissioner of Customs.".

SEC. 320. The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 321. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SEC. 322. Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended to read as follows:

"§ 644. Application of the Federal Aviation Act and section 1518(d) of title 33

"(a) The authority vested by section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. 1509) in the Secretary of the Treasury, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, shall extend to the application in like manner of any of the provisions of this Act, or of the Anti-Smuggling Act of 1935, or of any regulations promulgated hereunder.

"(b) For purposes of section 1518(d) of title 33, the term 'customs laws administered by the Secretary of the Treasury' shall mean this

chapter and any other provisions of law classified to this title.".

Sec. 323. The Tariff Act of 1930 is amended by adding a new section 600 to read as follows:

"§ 600. Application of the customs laws to other seizures by customs officers

"The procedures set forth in sections 602 through 619 of this Act (19 U.S.C. 1602 through 1619) shall apply to seizures of any property effected by customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures.".

CHAPTER IV—OFFENDERS WITH MENTAL DISEASE OR DEFECT

Sec. 401. This chapter may be sited as the "Insanity Defense Reform Act of 1984."

Sec. 402. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 20. Insanity defense

"(a) Affirmative Defense.—It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

"(b) Burden of Proof.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence.".

(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

Sec. 403. (a) Chapter 313 of title 18, United States Code, is amended to read as follows:

"CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"Sec.
"4241. Determination of mental competency to stand trial.
"4242. Determination of the existence of insanity at the time of the offense.
"4243. Hospitalization of a person found not guilty only by reason of insanity.
"4244. Hospitalization of a convicted person suffering from mental disease or defect.
"4245. Hospitalization of an imprisoned person suffering from mental disease or defect.
"4246. Hospitalization of a person due for release but suffering from mental disease or defect.
"4247. General provisions for chapter.

"§ 4241. Determination of mental competency to stand trial

"(a) Motion To Determine Competency of Defendant.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

"(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. The court shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged.

"§ 4242. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the Government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 4243. Hospitalization of a person found not guilty only by reason of insanity

"(a) Determination of Present Mental Condition of Acquitted Person.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (e).

"(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) Hearing.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) Burden of Proof.—In a hearing pursuant to subsection (c) of this section, a person found not guilty only by reason of insanity of an offense involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect. With respect to any other offense, the person has the burden of such proof by a preponderance of the evidence.

"(e) Determination and Disposition.—If, after the hearing, the court fails to find by the standard specified in subsection (d) of this section that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(f) Discharge.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (e) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by the standard specified in subsection (d) that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(g) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (f) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"§ 4244. Hospitalization of a convicted person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the Government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

"(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.

"(c) Hearing.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) Determination and Disposition.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for the offense for which the defendant was found guilty.

"(e) Discharge.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

"§ 4245. Hospitalization of an imprisoned person suffering from mental disease or defect

"(a) Motion To Determine Present Mental Condition of Imprisoned Person.—If a person serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suitable facility for care or treatment, an attorney for the Government, at the request of the director of the facility in which the person is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person. The court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the transfer of the person pending completion of procedures contained in this section.

"(b) Psychiatric or Psychological Examination and Report.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the person may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) Hearing.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) Determination and Disposition.—If, after the hearing, the court finds by a preponderance of the evidence that the person is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the person to the custody of the Attorney General. The Attorney General shall hospitalize the person for treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of the sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the person has not expired, the court shall order that the person be reimprisoned until the expiration of his sentence of imprisonment.

"§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) Discharge.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) Revocation of Conditional Discharge.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"(g) Release to State of Certain Other Persons.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than ten days after certification by the director of the facility.

"§ 4247. General provisions for chapter

"(a) DEFINITIONS.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

"(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) section 4243, 4244, 4245, or 4246 shall prepare annual reports concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 4243 or 4246 precludes a person who is committed under either of such sections from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of section 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the Government.

"(i) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a political subdivision, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(j) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.".

(b) The item relating to chapter 313 in the chapter analysis of part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect.".

SEC. 404. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by deleting "crime" in subdivision (a) and inserting in lieu thereof "offense";

(b) by deleting "other condition bearing upon the issue of whether he had the mental state required for the offense charged" in subdivision (b) and inserting in lieu thereof "any other mental condition bearing upon the issue of guilt";

(c) by deleting "to a psychiatric examination by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "to an examination pursuant to 18 U.S.C. 4242"; and

(d) by deleting "mental state" in subdivision (d) and inserting in lieu thereof "guilt".

SEC. 405. Section 3006A of title 18, United States Code, is amended—

(a) in subsection (a), by deleting "or, (4)" and substituting "(4) whose mental condition is the subject of a hearing pursuant to chapter 313 of this title, or (5)"; and

(b) in subsection (g), by deleting "or section 4245 of title 18".

SEC. 406. Rule 704 of the Federal Rules of Evidence is amended to read as follows:

"Rule 704. Opinion on ultimate issue

"(a) Except as provided in subdivision (b), testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact.

"(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.".

CHAPTER V—DRUG ENFORCEMENT AMENDMENTS

Part A—Controlled Substances Penalties

Sec. 501. This chapter may be cited as the "Controlled Substances Penalties Amendments Act of 1984".

Sec. 502. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1), by—

(A) redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and inserting after "(1)" a new subparagraph to read as follows:

"(A) In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(I) coca leaves;

"(II) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(III) a substance chemically identical thereto;

"(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

"(iii) 500 grams or more of phencyclidine (PCP); or

"(iv) 5 grams or more of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than $500,000, or both";

(B) in subparagraph (B), as redesignated above, by—

(i) striking out "which is a narcotic drug" in the first sentence and inserting in lieu thereof "except as provided in subparagraphs (A) and (C),"

(ii) striking out "$25,000" and "$50,000" and inserting in lieu thereof "$125,000" and "$250,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country"; and

(C) in subparagraph (C), as redesignated above, by—

(i) striking out "a controlled substance in schedule I or II which is not a narcotic drug" and ", (5), and (6)" and inserting in lieu thereof "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil" and "and (5)", respectively;

(ii) striking out "$15,000" and "$30,000" and inserting in lieu thereof "$50,000" and "$100,000", respectively; and

(iii) striking out "of the United States" in the second sentence and inserting in lieu thereof "of a State, the United States, or a foreign country";

(2) in paragraph (2), by—

(A) striking out "$10,000" and "$20,000" and inserting in lieu thereof "$25,000" and "$50,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(3) in paragraph (3), by—

(A) striking out "$5,000" and "$10,000" and inserting in lieu thereof "$10,000" and "$20,000", respectively; and

(B) striking out "of the United States" and inserting in lieu thereof "of a State, the United States, or a foreign country";

(4) in paragraph (4), by striking out "(1)(B)" and inserting in lieu thereof "(1)(C)";

(5) by striking out paragraphs (5) and (6);

(6) by adding at the end thereof the following:

"(5) Notwithstanding paragraph (1), any person who violates subsection (a) by cultivating a controlled substance on Federal property shall be fined not more than—

"(A) $500,000 if such person is an individual; and

"(B) $1,000,000 if such person is not an individual.".

SEC. 503. (a) Part D of the Controlled Substances Act is amended by adding after section 405 of the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

(b)(1) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(2) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(3) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

SEC. 504. Subsection (b) of section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting after "(b)" a new paragraph to read as follows:

"(1) In the case of a violation under subsection (a) of this section involving—

"(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

"(i) coca leaves;

"(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(iii) a substance chemically identical thereto;

"(B) a kilogram or more of any other narcotic drug in schedule I or II;

"(C) 500 grams or more of phencyclidine (PCP);

"(D) 5 grams or more of lysergic acid diethylamide (LSD); the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.";

(2) in paragraph (2), as redesignated above, by—

(A) striking out "narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3),"; and

(B) striking out "$25,000" and inserting in lieu thereof "$125,000";

(3) in paragraph (3), as redesignated above, by—

(A) striking out "a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall" and inserting in lieu thereof "less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)"; and

(B) striking out "$15,000" and substituting "$50,000".

SEC. 505. Section 1012 of the Controlled Substances Import and Export Act (21 U.S.C. 962) is amended by striking out "the United States" in subsection (b) and inserting in lieu thereof "a State, the United States, or a foreign country".

PART B—DIVERSION CONTROL AMENDMENTS

SEC. 506. (a) This part may be cited as the "Dangerous Drug Diversion Control Act of 1984".

(b) Whenever in sections 507 through 519 an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Controlled Substances Act, and whenever in sections 520 through 525 an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Controlled Substances Import and Export Act.

SEC. 507. (a) Section 102 (21 U.S.C. 802) is amended by redesignating paragraphs (14) through (29) as paragraphs (15) through (30), respectively, and by adding after paragraph (13) the following:

"(14) The term 'isomer' means the optical isomer, except as used in schedule I(c) and schedule II(a)(4). As used in schedule I(c), the term 'isomer' means the optical, positional, or geometric isomer. As used in schedule II(a)(4), the term 'isomer' means the optical or geometric isomer.".

(b) Paragraph (17) (as so redesignated) of section 102 is amended to read as follows:

"(17) The term 'narcotic drug' means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

"(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

"(B) Poppy straw and concentrate of poppy straw.

"(C) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed.

"(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

"(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

"(F) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (A) through (E).".

(c) Paragraph (a)(4) of schedule II is amended by inserting after "coca leaves" the first time it appears the following: "(including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and derivatives)".

SEC. 508. Section 201 (21 U.S.C. 811) is amended by adding a new subsection (h) as follows:

"(h)(1) If the Attorney General finds that the scheduling of a substance in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety, he may, by order and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, schedule such substance in schedule I if the substance is not listed in any other schedule in section 202 or if no exemption or approval is in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act. Such an order may not be issued before the expiration of thirty days from—

"(A) the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued, and

"(B) the date the Attorney General has transmitted the notice required by paragraph (4).

"(2) The scheduling of a substance under this subsection shall expire at the end of one year from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings under subsection (a)(1) with respect to the substance, extend the temporary scheduling for up to six months.

"(3) When issuing an order under paragraph (1), the Attorney General shall be required to consider, with respect to the finding of an imminent hazard to the public safety, only those factors set forth in paragraphs (4), (5), and (6) of subsection (c), including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

"(4) The Attorney General shall transmit notice of an order proposed to be issued under paragraph (1) to the Secretary of Health and Human Services. In issuing an order under paragraph (1), the Attorney General shall take into consideration any comments submitted by the Secretary in response to a notice transmitted pursuant to this paragraph.

"(5) An order issued under paragraph (1) with respect to a substance shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under subsection (a) with respect to such substance.

"(6) An order issued under paragraph (1) is not subject to judicial review.".

SEC. 509. (a) Section 201(g) (21 U.S.C. 811(g)) is amended by adding at the end the following:

"(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

"(A) A mixture, or preparation containing a nonnarcotic controlled substance, which mixture or preparation is approved for prescription use, and which contains one or more other active ingredients which are not listed in any schedule and which are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

"(B) A compound, mixture, or preparation which contains any controlled substance, which is not for administration to a human being or animal, and which is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse.".

(b) Section 202(d) (21 U.S.C. 812(d)) is repealed.

SEC. 510. Section 302(a) (21 U.S.C. 822(a)) is amended to read as follows:

"(a)(1) Every person who manufactures or distributes any controlled substance, or who proposes to engage in the manufacture or distribution of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

"(2) Every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the Attorney General a registration issued in accordance with the rules and regulations promulgated by him. The Attorney General shall, by regulation, determine the period of such registrations. In no event, however, shall such registrations be issued for less than one year nor for more than three years.".

SEC. 511. Section 303(f) (21 U.S.C. 823(f)) is amended to read as follows:

"(f) The Attorney General shall register practitioners (including pharmacies, as distinguished from pharmacists) to dispense, or conduct research with, controlled substances in schedule II, III, IV, or V, if the applicant is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the State in which he practices. The Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

"(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

"(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

"(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

"(5) Such other conduct which may threaten the public health and safety.

Separate registration under this part for practitioners engaging in research with controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the convention which is conducted in conformity with this subsection and other applicable provisions of this title.".

SEC. 512. Section 304(a) (21 U.S.C. 824(a)) is amended—

(1) by inserting before the period in paragraph (3) the following: "or has had the suspension, revocation, or denial of his registration recommended by competent State authority"; and

(2) by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding after paragraph (3) the following:

"(4) has committed such acts as would render his registration under section 303 inconsistent with the public interest as determined under such section.".

SEC. 513. Section 304 (21 U.S.C. 824) is amended by adding at the end the following:

"(g) The Attorney General may, in his discretion, seize or place under seal any controlled substances owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner contemplated by his registration. Such controlled substances shall be held for the benefit of the registrant, or his successor in interest. The Attorney General shall notify a registrant, or his successor in interest, who has any controlled substance seized or placed under seal of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Attorney General may not dispose of any controlled substance seized or placed under seal under this subsection until the expiration of one hundred and eighty days from the date such substance was seized or placed under seal.".

SEC. 514. (a) Section 307(c)(1)(A) (21 U.S.C. 827(C)(1)(A)) is amended to read as follows:

"(A) to the prescribing of controlled substances in schedule II, III, IV, or V by practitioners acting in the lawful course of their professional practice unless such substance is prescribed in the course of maintenance or detoxification treatment of an individual; or".

(b) Section 307(c)(1)(B) (21 U.S.C. 827(c)(1)(B)) is amended to read as follows:

"(B) to the administering of a controlled substance in schedule II, III, IV, or V unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges his patients, either separately or together with charges for other professional services, for substances so dispensed or administered or unless such substance is administered in the course of maintenance treatment or detoxification treatment of an individual;".

SEC. 515. Section 307 (21 U.S.C. 827) is further amended by adding at the end a new subsection (g) as follows:

"(g) Every registrant under this title shall be required to report any change of professional or business address in such manner as the Attorney General shall by regulation require.".

SEC. 516. Section 403(a)(2) (21 U.S.C. 843(a)(2)) is amended to read as follows:

"(2) to use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person.".

SEC. 517. (a) Section 503(a) (21 U.S.C. 873(a)) is amended by striking out "and" at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and" and by adding at the end the following:

"(6) assist State and local governments in suppressing the diversion of controlled substances from legitimate medical, scientific, and commercial channels by—

"(A) making periodic assessments of the capabilities of State and local governments to adequately control the diversion of controlled substances;

"(B) providing advice and counsel to State and local governments on the methods by which such governments may strengthen their controls against diversion; and

"(C) establishing cooperative investigative efforts to control diversion."

(b) Section 503 is amended by adding at the end the following:

"(d)(1) The Attorney General may make grants, in accordance with paragraph (2), to State and local governments to assist in meeting the costs of—

"(A) collecting and analyzing data on the diversion of controlled substances,

"(B) conducting investigations and prosecutions of such diversions,

"(C) improving regulatory controls and other authorities to control such diversions,

"(D) programs to prevent such diversions,

"(E) preventing and detecting forged prescriptions, and

"(F) training law enforcement and regulatory personnel to improve the control of such diversions.

"(2) No grant may be made under paragraph (1) unless an application therefor is submitted to the Attorney General in such form and manner as the Attorney General may prescribe. No grant may exceed 80 per centum of the costs for which the grant is made, and no grant may be made unless the recipient of the grant provides assurances satisfactory to the Attorney General that it will obligate funds to meet the remaining 20 per centum of such costs. The Attorney General shall review the activities carried out with grants under paragraph (1) and shall report annually to Congress on such activities.

"(3) To carry out this subsection there is authorized to be appropriated $6,000,000 for fiscal year 1985 and $6,000,000 for fiscal year 1986.".

SEC. 518. Section 511(a) (21 U.S.C. 881(a)) is amended by inserting the following new paragraph:

"(8) All controlled substances which have been possessed in violation of this title.".

SEC. 519. Section 1002(a)(1) (21 U.S.C. 952(a)(1)) is amended to read as follows:

"(1) such amounts of crude opium, poppy straw, concentrate of poppy straw, and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and".

SEC. 520. Section 1002(a)(2) (21 U.S.C. 952(a)(2)) is amended by striking out "or" at the end of subparagraph (A), by adding "or" at the end of subparagraph (B), and by adding the following after subparagraph (B):

"(C) in any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical, or research uses,".

SEC. 521. Section 1002(b)(2) (21 U.S.C. 952(b)(2)) is amended to read as follows:

"(2) is imported pursuant to such notification, or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification, or declaration, as the Attorney General may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

SEC. 522. Section 1003(e) (21 U.S.C. 953(e)) is amended to read as follows:

"(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substances in schedule V unless—

"(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination for consumption for medical, scientific, or other legitimate purposes;

"(2) it is exported pursuant to such notification or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such export permit, notification, or declaration as the Attorney General may by regulation prescribe; and

"(3) in the case of a nonnarcotic controlled substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

SEC. 523. Section 1007(a)(2) (21 U.S.C. 957(a)(2)) is amended to read as follows:

"(2) export from the United States any controlled substance in schedule I, II, III, IV, or V,".

SEC. 524. Section 1008(b) (21 U.S.C. 958(b)) is amended to read as follows:

"(b) Registration granted under this section shall not entitle a registrant to import or export controlled substances other than specified in the registration.".

SEC. 525. Section 1008 (21 U.S.C. 958) is further amended by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively, and—

(1) by inserting after subsection (c) the following new subsection (d):

"(d)(1) The Attorney General may deny an application for registration under subsection (a) if he is unable to determine that such registration is consistent with the public interest (as defined in subsection (a)) and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(2) The Attorney General may deny an application for registration under subsection (c), or revoke or suspend a registration under subsection (a) or (c), if he determines that such registration is inconsistent with the public interest (as defined in subsection (a) or (c)) or with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

"(3) The Attorney General may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

"(4) Before taking action pursuant to this subsection, the Attorney General shall serve upon the applicant or registrant an order to show cause as to why the registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General, or his designee, at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this subsection in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

"(5) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this subsection, in cases where he finds that there is an imminent danger to the public health and safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

"(6) In the event that the Attorney General suspends or revokes a registration granted under this section, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be seized or placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of the sale thereof which have been deposited with the court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e) of the Controlled Substances Act."; and

(2) by striking our "304," in the second sentence of redesignated subsection (e).

CHAPTER VI

DIVISION I—JUSTICE ASSISTANCE

Subdivision A—Amendments to Omnibus Crime Control and Safe Streets Act of 1968

SHORT TITLE

SEC. 601. This division may be cited as the "Justice Assistance Act of 1984".

DECLARATION AND PURPOSE

SEC. 602. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended in the matter preceding part A by striking out the declaration and purpose.

OFFICE OF JUSTICE PROGRAMS

SEC. 603. (a) Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711-3713) is amended to read as follows—

"PART A—OFFICE OF JUSTICE PROGRAMS

"ESTABLISHMENT OF OFFICE OF JUSTICE PROGRAMS

"SEC. 101. There is hereby established an Office of Justice Programs within the Department of Justice under the general authority of the Attorney General. The Office of Justice Programs (hereinafter referred to in this title as the 'Office') shall be headed by an Assistant Attorney General (hereinafter in this title referred to as the 'Assistant Attorney General') appointed by the President, by and with the advice and consent of the Senate.

"DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

"SEC. 102. (a) The Assistant Attorney General shall—

"(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

"(2) maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to criminal justice;

"(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public relating to criminal justice;

"(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations relating to criminal justice;

"(5) provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention; and

"(6) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General.

"(b) The Assistant Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year.".

NATIONAL INSTITUTE OF JUSTICE

SEC. 604. (a) Section 201 of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721) is amended—

(1) in paragraph (3) by inserting "and" at the end thereof,

(2) by striking out paragraph (4),

(3) by redesignating paragraph (5) as paragraph (4),

(4) by striking out "to develop alternatives to judicial resolution of disputes,", and

(5) by inserting "and demonstrate" after "to develop".

(b) Section 202 of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended—

(1) in subsection (b) by inserting after the second sentence the following: "The Director shall report to the Attorney General through the Assistant Attorney General.", and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A) by striking out ", including programs authorized by section 103 of this title", and

(ii) in subparagraph (E) by striking out "the prevention and reduction of parental kidnaping", and

(B) in paragraph (3) by striking out "part" and inserting in lieu thereof "title",

(C) by striking out paragraph (4),

(D) in paragraph (10)—

(i) by striking out "national priority grants under part E and", and

(ii) by striking out "part F" and inserting in lieu thereof "part E",

(E) by striking out paragraph (9), and

(F) by redesignating paragraphs (5), (6), (7), (8), (10), and (11) as paragraphs (4), (5), (6), (7), (8), and (9), respectively.

(c) Part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721-3724) is amended by striking out section 204.

BUREAU OF JUSTICE STATISTICS

SEC. 605. (a) The first sentence of section 301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731) is amended—

(1) by striking out "(including white-collar crime and public corruption)", and

(2) by striking out "(including crimes against the elderly, white-collar crime, and public corruption)".

(b) Section 302 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b) by inserting after the third sentence the following: "The Director shall report to the Attorney General through the Assistant Attorney General.",

(2) in subsection (c)—

(A) by striking out paragraphs (13) and (16),

(B) by redesignating paragraphs (14), (15), and (17) as paragraphs (16), (17), and (19), respectively,

(C) by inserting after paragraph (12) the following new paragraphs:

"(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

"(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

"(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;", and

(D) by inserting after paragraph (17), as so redesignated, the following new paragraph:

"(18) ensure conformance with security and privacy requirement of section 812 and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and", and

(3) in subsection (d)—

(A) in paragraph (1) by inserting ", and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis" before the semicolon,

(B) in paragraph (3) by striking out "and" at the end thereof,

(C) in paragraph (4) by striking out the period at the end thereof and inserting in lieu thereof a "; and", and

(D) by inserting after paragraph (4) the following new paragraph:

"(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(c) Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731-3735) is amended by striking out section 304.

(d) Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731-3735) is amended by redesignating section 305 as section 304.

BLOCK GRANTS

SEC. 606. Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741-3745) is amended to read as follows:

"PART D—BLOCK GRANTS

"ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

"SEC. 401. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereinafter in this part and part E referred to as the 'Bureau').

"(b) The Bureau shall be headed by a Director (hereinafter in this part and part E referred to as the 'Director') who shall be appointed by the Attorney General. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

"DUTIES AND FUNCTIONS OF DIRECTOR

"SEC. 402. The Director shall—

"(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to this part and part E;

"(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part E and on terms and conditions determined by the Director to be consistent with part E;

"(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

"(5) encourage the targeting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

"(6) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Bureau affecting State and local criminal justice priorities; and

"(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

"DESCRIPTION OF PROGRAM

"SEC. 403. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders. The Bureau is authorized to make grants under this part to States for the purpose of—

"(1) providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

"(2) disrupting illicit commerce in stolen goods and property;

"(3) combating arson;

"(4) effectively investigating and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

"(5) identifying criminal cases involving persons (including juvenile offenders) with a history of serious criminal conduct in order to expedite the processing of such cases and to improve court system management and sentencing practices and procedures in such cases;

"(6) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

"(7) providing alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

"(8) providing programs which identify and meet the needs of drug-dependent offenders;

"(9) providing programs which alleviate prison and jail overcrowding and programs which identify existing State and Federal buildings suitable for prison use;

"(10) providing training, management, and technical assistance to criminal justice personnel and determining appropriate prosecutorial and judicial personnel needs;

"(11) providing prison industry projects designed to place inmates in a realistic working and training environment in which they will be enabled to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

"(12) providing for operational information systems and workload management systems which improve the effectiveness of criminal justice agencies;

"(13) providing programs of the same types as programs described in section 501(a)(4)—

"(A) which the Director establishes, under section 503(a), as discretionary programs for financial assistance under part E; and

"(B) which are innovative and have been deemed by the Director as likely to prove successful;

"(14) implement programs which address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, and Administrator of the Office of Juvenile Justice and Delinquency Prevention, as having proved successful;

"(15) providing programs which address the problem of serious offenses committed by juveniles;

"(16) addressing the problem of crime committed against the elderly;

"(17) providing training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention; and

"(18) improving the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques.

"(b)(1) For any fiscal year ending after September 30, 1984, the Federal portion of any grant made under this part shall be 50 per centum of the cost of programs and projects specified in the application of such grant, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any program or project described in subsection (a), the Federal portion shall be 100 per centum of such cost.

"(2) The non-Federal portion of the cost of such program or project shall be in cash.

"(c) No funds may be given under this title to a grant recipient for a program or project for which funds have been given under this title for four years (in the aggregate), including any period occurring before the effective date of this subsection.

"ELIGIBILITY

"SEC. 404. The Bureau is authorized to make financial assistance under this part available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this part.

"APPLICATIONS

"SEC. 405. No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to this part, unless the application for such grant sets forth criminal justice programs and projects covering a two-year period which meet the purposes of section 403(a) of this title, designates which purpose specified in section 403(a) each such program or project is intended to achieve, and identifies the State agency or unit of local government which will implement each such program or project. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau or to the State, as the case may be—

"(A) a performance report concerning the activities carried out pursuant to this part and part E; and

"(B) an assessment by the applicant of the impact of those activities on the purposes of this part and the needs and objectives identified in the applicant's statement;

"(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(3) an assurance that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(4) an assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

"(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws (such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office);

"(6) if the applicant is a State, an assurance that not more than 10 per centum of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the purpose specified in section 403(a)(13);

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the purposes of section 403(a);

"(8) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

"(9) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

"REVIEW OF APPLICATIONS

"SEC. 406. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

"(1) the application or amendment thereto is consistent with the requirements of this title; and

"(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 405.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 405 of this title shall be deemed approved, in whole or in part, by the Bureau not later than sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements of this part or purposes of section 403(a) of this title. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under this part shall not be used for—

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 403(a) of this title;

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

"(3) land acquisition or construction projects; or

"(4) programs or projects which, based upon evaluations by the National Institute of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

"(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this part without first affording the applicant reasonable notice and opportunity for reconsideration.

"ALLOCATION AND DISTRIBUTION OF FUNDS

"SEC. 407. (a) Of the total amount appropriated for this part and part E in any fiscal year, 80 per centum shall be set aside for this part and allocated to States as follows:

"(1) $250,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 403(a) of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) In distributing funds received under this part among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

"(3) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

"(4) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(d) If the Director determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(e) Any funds not distributed under subsections (b) and (d) shall be available for obligation under part E.

"STATE OFFICE

"SEC. 408. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).".

NATIONAL PRIORITY GRANTS

SEC. 607. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended by striking out part E.

DISCRETIONARY GRANTS

SEC. 608. (a) Sections 601, 602, and 603 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761-3762) are amended to read as follows:

"PURPOSE

"SEC. 501. (a) The purpose of this part is to provide additional Federal financial assistance to public agencies and private nonprofit organizations for purposes of—

"(1) undertaking educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments;

"(3) undertaking projects which are national or multi-State in scope and which address the purposes specified in section 403(a) of this title; and

"(4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"(b) In carrying out this part, the Bureau is authorized to make grants, and enter into cooperative agreements and contracts with, public agencies and private nonprofit organizations.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

"SEC. 502. Of the total amount appropriated for part D and this part in any fiscal year, 20 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Bureau in carrying out the purposes specified in section 501 of this title. Grants under this part may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.

"PROCEDURE FOR ESTABLISHING DISCRETIONARY PROGRAMS

"SEC. 503. (a) The Director of the Bureau shall periodically establish discretionary programs and projects for financial assistance under this part. Such programs and projects shall be considered priorities for a period of time not to exceed three years from the time of such determination.

"(b) The Director shall annually request the National Institute of Justice, the Bureau of Justice Statistics, the Office of Justice Programs, State and local governments, and other appropriate public and private agencies to suggest discretionary programs and projects. The Director shall then, pursuant to regulations, annually publish the proposed priorities pursuant to this part and invite and encourage public comment concerning such priorities. Priorities shall not be established or modified until the Director has provided at least sixty-days advance notice for such public comment and the Director shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time and after consultation with appropriate agencies and officials of State and units of local government, the Director shall determine whether existing established priorities should be modified. The Director shall publish in the Federal Register the priorities established pursuant to this part before the beginning of fiscal year 1985 and each fiscal year thereafter for which appropriations will be available to carry out the program.".

(b) Section 604 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3764) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Bureau".

(c) Section 605 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765) is amended to read as follows:

"CRITERIA FOR AWARD

"SEC. 505. The Bureau shall, in its discretion and according to the criteria, and on the terms and conditions it determines consistent with this part, provide financial assistance to those programs or projects which most clearly satisfy the priorities established under section 503 of this title. In providing such assistance pursuant to this part, the Bureau shall consider whether certain segments and components of the criminal justice system have received a disproportionate allocation of financial aid and assistance pursuant to other parts of this title, and, if such a finding is made, shall assure the funding of such other segments and components of the criminal justice system as to correct inequities resulting from such disproportionate allocations.".

(d) Section 606 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766) is amended to read as follows:

"PERIOD FOR AWARD

"SEC. 506. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the public agency or private nonprofit organization within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from any source of funds, including Federal grants, available to the eligible jurisdiction.".

(e) The heading for part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761-3766) is amended by striking out "Part F" and inserting in lieu thereof "Part E".

(f) Part E, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3766) is amended by redesignating section 604 as section 504.

PILOT PROGRAMS FOR CONSTRUCTION OF CRIMINAL JUSTICE FACILITIES

SEC. 609. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended by inserting after part E, as so redesignated, the following new part:

"PART F—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

"AUTHORITY FOR PAYMENTS

"SEC. 601. In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Director') is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this part, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

"ELIGIBILITY

"SEC. 602. (a) A State, unit of local government, or combination of such units shall be eligible for assistance under this part for a correctional facility project only—

"(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 315 of title 18, United States Code, has made a determination that such project represents a prototype of new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

"(2) for not more than one such project in any State per fiscal year.

"(b) A State, a unit of local government, or a combination of such units shall be eligible for assistance under this part for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

"APPLICATION; APPROVAL; PAYMENT

"SEC. 603. (a) A State, unit of local government, or combination of such units desiring to receive assistance under this part for a correctional facility project shall submit to the Director an application which shall include—

"(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

"(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

"(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

"(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

"(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

"(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 605.

"(b)(1) The Director may approve any such application only if the Director finds that—

"(A) there are sufficient funds available to provide the assistance requested;

"(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

"(C) the application contains such reasonable assurances as may be required under subsection (a); and

"(D) the eligibility criteria of section 602 are met.

"(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

"(c) Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construction of an approved project shall be used solely for carrying out such project as so approved.

"(d) An amendment of any application shall be subject to approval in the same manner as an original application.

"RECAPTURE PROVISIONS

"SEC. 605. If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this section, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this part for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.

"CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

"SEC. 606. (a) The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such information shall include information regarding—

"(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

"(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

"(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

"(4) the cost effectiveness of available construction materials, methods, and design technologies;

"(5) the training of correctional facility personnel; and

"(6) health and safety considerations in construction planning.

"(b) The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice and Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.".

TRAINING AND MANPOWER DEVELOPMENT

SEC. 609A. (a) Part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771-3775) is amended to read as follows:

"PART G—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"TRAINING AND MANPOWER DEVELOPMENT

"SEC. 701. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Training for rural criminal justice personnel shall include, when appropriate, effective use of regional resources and methods to improve coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or such unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to establish, develop, and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel provided that such training does not interfere with the Center's mission to train Federal law enforcement personnel.".

ADMINISTRATIVE PROVISIONS

SEC. 609B. (a) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by striking out section 801.

(b) Sections 802 and 803 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782) are amended to read as follows:

"CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

"SEC. 801. (a) The Office of Justice Programs, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this title.

"(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D and E, in order to determine—

"(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

"(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

"(3) their cost in relation to their effectiveness in achieving stated goals;

"(4) their impact on communities and participants; and

"(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part D to submit an annual performance report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of section 403(a) of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 403 of this title. The Bureau shall suspend funding for an approved application under part D if an applicant fails to submit such an annual performance report.

"(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 802. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this title has failed to comply substantially with—

"(1) any provisions of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Director involved shall, until satisfied that there is no longer any such failure to comply, terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If any grant application submitted under part D of this title has been denied, or any grant under this title has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

"(c) If the applicant involved is dissatisfied with the findings and determinations of the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.".

(c) Section 804 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3784) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Bureau of Justice Assistance".

(d) Section 805 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3785) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration," each place it appears and inserting in lieu thereof "Office of Justice Programs, Bureau of Justice Assistance,",

(2) by inserting "the Office of Juvenile Justice and Delinquency Prevention," before "or the National Institute of Justice" each place it appears,

(3) in subsection (a) by striking out "section 803, 804, or 815(c)(2)(G)" and inserting in lieu thereof "section 802, 803, or 809(c)(2)(G)", and

(4) in subsection (b) by inserting "the Office of Juvenile Justice and Delinquency Prevention" before "or the Bureau of Justice Statistics".

(e) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by striking out sections 806, 807, 808, 809, 810, 811, 812, 813, 814, 819, and 826.

(f) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by redesignating sections 804, 805, 815, 816, 817, 818, 820, 821, 822, 823, 824, 825, and 827 as sections 803, 804, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, and 819, respectively.

(g) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by inserting after section 804, as so redesignated, the following new sections:

"DELEGATION OF FUNCTIONS

"SEC. 805. The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this title as they deem appropriate.

"SUBPOENA POWER; EMPLOYMENT OF HEARING OFFICERS; AUTHORITY TO HOLD HEARINGS

"SEC. 806. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their respective powers and duties under this title. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they respectively may designate.

"PERSONNEL AND ADMINISTRATIVE AUTHORITY

"SEC. 807. (a) The Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Institute, and the Director of the Bureau of Justice Statistics are authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics, respectively, under this title.

"(b) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

"(c) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"(d) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

"(e) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to appoint, without regard to the provisions of title 5, United States Code, advisory committees to advise them with respect to the administration of this title as they deem necessary. Such committees shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Members of such committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of such committees, shall be compensated at rates to be fixed by the Office but not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(f) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding section 1345 of title 31, United States Code.

"(g) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"TITLE TO PERSONAL PROPERTY

"SEC. 808. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in section 408 of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.".

(h) Section 809, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d) is amended—

(1) by amending the heading to read as follows: "Prohibition of Federal Control Over State and Local Criminal Justice Agencies; Prohibition of Discrimination",

(2) by amending subsection (a) to read as follows:

"(a) Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.", and

(3) in subsection (c) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Justice Programs".

(i) Section 810, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789e) is amended to read as follows:

"REPORT TO PRESIDENT AND CONGRESS

"SEC. 810. Not later than April 1 of each year, the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate, on their activities under this title during the fiscal year next preceding such date.".

(j) Section 811, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789f) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Justice Programs",

(2) by striking out subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(k) Section 812, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789g) is amended by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Justice Programs".

(l) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by striking out section 819.

(m) Section 813, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789i) is amended—

(1) by striking out subsection (a), and

(2) in subsection (b) by striking out "(b)".

(n) Section 816, as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789l) is amended by striking out "Administration" and inserting in lieu thereof "Assistant Attorney General".

(o) Section 819(c), as so redesignated, of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. 1761 note) is amended—

(1) by striking out "this section" and inserting in lieu thereof "section 1761 of title 18, United States Code, and of the first section of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act,", and

(2) by inserting ", as amended from time to time," after "goods".

DEFINITIONS

SEC. 609C. (a) Section 901 of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(b) Section 901(a) of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "Puerto Rico," and

(B) by striking out ", Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands",

(2) in paragraph (3) by inserting ", Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands" after "District of Columbia" before the semicolon,

(3) in paragraph (4)—

(A) by inserting "renovation, repairs, remodeling," after "acquisition,", and

(B) by striking out ", but does not include renovation, repairs, or remodeling",

(4) in paragraph (7) by striking out "institution or",

(5) by amending paragraph (8) to read as follows:

"(8) 'correctional facility project' means a project for the construction, replacement, alteration or expansion of a prison or jail for the purpose of relieving overcrowding or substandard conditions;", and

(6) by amending paragraph (13) to read as follows:

"(13) 'cost of construction' means all expenses found by the Director to be necessary for the construction of the project, including architect and engineering fees, but excluding land acquisition costs;".

FUNDING

SEC. 609D. (a) Section 1001 of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1001. (a)(1) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the Bureau of Justice Statistics.

"(2) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the National Institute of Justice.

"(3) There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under parts F, G, and L of this title.

"(4) There is authorized to be appropriated $25,000,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out part F.

"(5) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L.

"(6) Funds appropriated for any fiscal year may remain available for obligation until expended.

"(b) Notwithstanding any other provision of law, no funds appropriated under this section for parts D and E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such parts.".

(b) Part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793-3793b) is amended by striking out sections 1002 and 1003.

CRIMINAL PENALTIES

SEC. 609E. (a) Section 1101 of part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Programs, Bureau of Justice Assistance".

(b) Section 1103 of part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Programs, Bureau of Justice Assistance".

PUBLIC SAFETY OFFICERS' DEATH BENEFITS

SEC. 609F. Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796-3796c) is amended to read as follows:

"PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 1201. (a) In any case in which the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Bureau') determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding $3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such individual.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-622); or

"(2) benefits authorized by section 8191 of title 5, United States Code. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this part.

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 1202. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if the public safety officer was voluntarily intoxicated at the time of his death;

"(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death;

"(4) to any individual who would otherwise be entitled to a benefit under this part if such individual's actions were a substantial contributing factor to the death of the public safety officer; or

"(5) to any individual employed in a capacity other than a civilian capacity.

"DEFINITIONS

"SEC. 1203. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) 18 years of age or under;

"(ii) over 18 years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over 18 years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means any individual who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'firefighter' includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

"(i) a post-mortem blood alcohol level of .20 per centum or greater; or

"(ii) a post-mortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

"(5) 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a firefighter.

"ADMINISTRATIVE PROVISIONS

"Sec. 1204. (a) The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Bureau. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Bureau, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1201, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.".

TRANSITION

Sec. 609G. Section 1301 of part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end thereof the following new paragraph:

"(2) All orders, determinations, rules, regulations, and instructions issued under this title which are in effect on the date of the enactment of the Justice Assistance Act of 1984 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this title or by operation of law.",

(2) by striking out subsection (j), and

(3) by redesignating subsection (k) as subsection (j).

TABLE OF CONTENTS

Sec. 609H. The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended to read as follows:

"TABLE OF CONTENTS

"Part A—Office of Justice Programs

"Sec. 101. Establishment of Office of Justice Programs.
"Sec. 102. Duties and functions of Assistant Attorney General.

"Part B—National Institute of Justice

"Sec. 201. National Institute of Justice.
"Sec. 202. Establishment, duties, and functions.
"Sec. 203. Authority for 100 per centum grants.

"Part C—Bureau of Justice Statistics

"Sec. 301. Bureau of Justice Statistics.
"Sec. 302. Establishment, duties, and functions.
"Sec. 303. Authority for 100 per centum grants.
"Sec. 304. Use of data.

"Part D—Block Grants

"Sec. 401. Establishment of Bureau of Justice Assistance.
"Sec. 402. Duties and functions of Director.
"Sec. 403. Description of program.
"Sec. 404. Eligibility.
"Sec. 405. Applications.
"Sec. 406. Review of applications.
"Sec. 407. Allocation and distribution of funds.
"Sec. 408. State office.

"Part E—Discretionary Grants

"Sec. 501. Purpose.
"Sec. 502. Percentage of appropriation for discretionary grant program.
"Sec. 503. Procedure for establishing discretionary programs.
"Sec. 504. Application requirements.
"Sec. 505. Criteria for award.
"Sec. 506. Period for award.

"Part F—Criminal Justice Facility Construction: Pilot Program

"Sec. 601. Authority for payments.
"Sec. 602. Eligibility.
"Sec. 603. Application; approval; payment.
"Sec. 604. Recapture provisions.
"Sec. 605. Clearinghouse on the construction and modernization of criminal justice facilities.

"Part G—FBI Training of State and Local Criminal Justice Personnel

"Sec. 701. Training and manpower development.

"Part H—Administrative Provisions

"Sec. 801. Consultation; establishment of rules and regulations.
"Sec. 802. Notice and hearing on denial or termination of grant.
"Sec. 803. Finality of determinations.
"Sec. 804. Appellate court review.
"Sec. 805. Delegation of functions.
"Sec. 806. Subpoena power; employment of hearing officers; authority to hold hearings.
"Sec. 807. Personnel and administrative authority.
"Sec. 808. Title to personal property.
"Sec. 809. Prohibition of Federal control over State and local criminal justice agencies; prohibition of discrimination.
"Sec. 810. Report to President and Congress.
"Sec. 811. Recordkeeping requirement.
"Sec. 812. Confidentiality of information.
"Sec. 813. Administration of juvenile delinquency programs.
"Sec. 814. Prohibition of land acquisition.
"Sec. 815. Prohibition on use of CIA services.
"Sec. 816. Indian liability waiver.
"Sec. 817. District of Columbia matching fund source.
"Sec. 818. Limitation on civil justice matters.
"Sec. 819. Prison industry enhancement.

"Part I—Definitions

"Sec. 901. Definitions.

"Part J—Funding

"Sec. 1001. Authorization of appropriations.

"Part K—Criminal Penalties

"Sec. 1101. Misuse of Federal assistance.
"Sec. 1102. Falsification or concealment of facts.
"Sec. 1103. Conspiracy to commit offense against United States.

"Part L—Public Safety Officers' Death Benefits

"Sec. 1201. Payments.
"Sec. 1202. Limitations.
"Sec. 1203. Definitions.
"Sec. 1204. Administrative provisions.

"Part M—Transition—Effective Date—Repealer

"Sec. 1301. Continuation of rules, authorities, and proceedings.".

REFERENCES IN OTHER LAWS

SEC. 609I. (a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Bureau of Justice Assistance shall be deemed to be a reference to the Bureau of Justice Assistance, or to the Director of the Bureau of Justice Assistance, as the case may be.

(b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, or the Office of Juvenile Justice Delinquency Prevention shall be deemed to be a reference to the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, or Office of Juvenile Justice Delinquency Prevention, or to the Director of the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as the case may be.

TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 609J. (a) Section 5314 of title 5, United States Code, is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code, is amended by striking out "Administrator of Law Enforcement Assistance.".

OFFENSES INVOLVING PRISON-MADE GOODS

SEC. 609K. (a) Section 1761(c) of title 18, United States Code, is amended—

(1) by striking out "seven" and inserting in lieu thereof "twenty", and

(2) by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Director of the Bureau of Justice Assistance".

(b) Section 1761 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any law to the contrary, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.".

FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS

SEC. 609L. (a) For purposes of section 1028 of title 18, United States Code, to the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in such section, shall utilize common descriptive terms and formats designed to—

(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities, and

(2) facilitate positive identification of bona fide holders of identification documents.

(b) The President shall, no later than 3 years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups make recommnedations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system,

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information, and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

Subtitle B—Emergency Federal Law Enforcement Assistance Application

SEC. 609M. (a) In the event that a law enforcement emergency exists throughout a State or a part of a State, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal law enforcement assistance.

(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with the Director of the Office of Justice Assistance and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

(c) Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

(1) the nature and extent of such emergency throughout a State or in any part of a State,

(2) the situation or extraordinary circumstances which produced such emergency,

(3) the availability of State and local criminal justice resources to resolve the problem,

(4) the cost associated with the increased Federal presence,

(5) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and

(6) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

DEFINITIONS

SEC. 609N. For purposes of this subdivision—

(1) the term "Federal law enforcement assistance" means funds, equipment, training, intelligence information, and personnel,

(2) the term "Federal law enforcement community" means the heads of the following departments or agencies:

(A) the Federal Bureau of Investigation,

(B) the Drug Enforcement Administration,
(C) the Criminal Division of the Department of Justice,
(D) the Internal Revenue Service,
(E) the Customs Service,
(F) the Immigration and Naturalization Service,
(G) the United States Marshals Service,
(H) the National Park Service,
(I) the United States Postal Service,
(J) the Secret Service,
(K) the Coast Guard,
(L) the Bureau of Alcohol, Tobacco, and Firearms, and
(M) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws,

(3) the term "law enforcement emergency" means an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which State and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law, except that such term does not include—

(A) the perceived need for planning or other activities related to crowd control for general public safety projects, or

(B) a situation requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events, and

(4) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

LIMITATION ON AUTHORITY

SEC. 609O. (a) Nothing in this subdivision authorizes the use of Federal law enforcement personnel to investigate violations of criminal law other than violations with respect to which investigation is authorized by other provisions of law.

(b) Nothing in this subdivision shall be construed to authorize the Attorney General or the Federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal law enforcement assistance.

(c) Nothing in this subdivision shall be construed to authorize the Attorney General or the Federal law enforcement community—

(1) to condition the availability or amount of Federal law enforcement assistance upon the adoption by an applicant for such assistance of, or

(2) to deny or discontinue such assistance upon the failure of such applicant to adopt,

a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency of such applicant.

(d) No funds provided under this subdivision may be used to supplant State or local funds that would otherwise be made available for such purposes.

(e) Nothing in this subdivision shall be construed to limit any authority to provide emergency assistance otherwise provided by law.

PROHIBITION OF DISCRIMINATION

SEC. 609P. (a) No person in any State shall, on the ground of race, color, religion, national origin, or sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any activity for which Federal law enforcement assistance is provided under this subdivision.

(b) Paragraph (3) and paragraph (4) of section 809(c) of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as so redesignated by section 511(f) of this Act) shall apply with respect to a violation of subsection (a), except that the terms "this section" and "paragraph (1)", as such terms appear in such paragraphs, shall be deemed to be references to subsection (a) of this section, and a reference to the Office of Justice Programs in such paragraphs shall be deemed to be a reference to the Attorney General.

CONFIDENTIALITY OF INFORMATION

SEC. 609Q. Section 812 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as so redesignated by section 511(f) of this Act) shall apply with respect to—

(1) information furnished under this subdivision,

(2) criminal history information collected, stored, or disseminated with the support of Federal law enforcement assistance provided under this subdivision, and

(3) criminal intelligence systems operating with the support of Federal law enforcement assistance provided under this subdivision,

except that the terms "this title" and "this section", as such terms appear in such section 812, shall be deemed to be references to this subdivision and this section, respectively, of this Act, and a reference to the Office of Justice Programs in such section 812 shall be deemed to be a reference to the Attorney General.

PROHIBITION OF LAND ACQUISITION

SEC. 609R. No funds provided under this subdivision shall be used for land acquisition.

REPAYMENT

SEC. 609S. (a) If Federal law enforcement assistance provided under this subdivision is used by the recipient of such assistance in violation of section 554 or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the Attorney General an amount equal to the value of such assistance.

(b) The Attorney General may bring a civil action in an appropriate United States district court to recover any amount required to be repaid under subsection (a).

RECORDKEEPING REQUIREMENT

SEC. 609T. (a) Each recipient of Federal law enforcement assistance provided under this subdivision shall keep such records as the Attorney General may prescribe to facilitate an effective audit.

(b) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of recipients of Federal law enforcement assistance provided under this subdivision which, in the opinion of the Attorney General or the Comptroller General, are related to the receipt or use of such assistance.

REPORT TO CONGRESS

SEC. 609U. Not later than April 1 of each year, the Attorney General shall submit to the President, to the Speaker of the House of Representatives, and to the President of the Senate a report describing Federal law enforcement assistance provided under this subdivision during the calendar year preceding the date such report is made.

BUREAU OF JUSTICE ASSISTANCE

SEC. 609V. The Director of the Bureau of Justice Assistance may assist the Attorney General in providing Federal law enforcement assistance under this subdivision and in coordinating the activities authorized under this subdivision.

LIMITATION ON CIVIL JUSTICE MATTERS

SEC. 609W. Federal law enforcement assistance provided under this subdivision may not be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

ISSUANCE OF RULES

SEC. 609X. The Attorney General, after consultation with appropriate members of the law enforcement community and with State and local officials, shall issue rules to carry out this subdivision.

AUTHORIZATION OF APPROPRIATIONS

SEC. 609Y.(a) There is authorized to be appropriated $20,000,000 for each fiscal year ending after September 30, 1984, to provide under this subdivision Federal law enforcement assistance in the form of funds.

(b) There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this subdivision Federal law enforcement assistance other than funds.

Subtitle C—Conforming Amendment; Effective Dates

REPEALER

SEC. 609Z. Section 204 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Public Law 98-411) is repealed.

EFFECTIVE DATES

SEC. 609AA. (a) Except as provided in subsection (b), this division and the amendments made by this title shall take effect on the date of the enactment of this joint resolution or October 1, 1984, whichever is later.

(b)(1) The amendment made by section 609F shall take effect on October 1, 1984, and shall not apply with respect to injuries sustained before October 1, 1984.

(2) Section 609Z shall take effect on October 1, 1984.

DIVISION II—AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Subdivision A—General Provisions

SHORT TITLE

SEC. 610. This Division may be cited as the "Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984".

FINDINGS

SEC. 611. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "account" and inserting in lieu thereof "accounted", and

(B) by striking out "today" and inserting in lieu thereof "in 1974 and for less than one-third of such arrests in 1983",

(2) in paragraph (2) by inserting "and inadequately trained staff in such courts, services, and facilities" after "facilities",

(3) in paragraph (3) by striking out "the countless, abandoned, and dependent", and

(4) in paragraph (5) by striking out "prevented" and inserting in lieu thereof "reduced".

PURPOSE

SEC. 612. Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (1) by striking out "prompt" and inserting in lieu thereof "ongoing",

(2) in paragraph (4) by striking out "an information clearinghouse to disseminate" and inserting in lieu thereof "the dissemination of", and

(3) in paragraph (7) by inserting "and homeless" after "runaway".

DEFINITIONS

SEC. 613. Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3)—

(A) by striking out "for neglected, abandoned, or dependent youth and other youth", and

(B) by inserting "juvenile" after "prevent",

(2) in paragraph (4) by amending subparagraphs (A) and (B) to read as follows:

"(A) the term 'Bureau of Justice Assistance' means the bureau established by section 401 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Office of Justice Programs' means the office established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;",

(3) in paragraph (6) by striking out "services," and inserting in lieu thereof "services),",

(4) in paragraph (14)—

(A) by inserting "or other sex offenses punishable as a felony" after "rape", and

(B) by striking out "and" at the end thereof,

(5) in paragraph (15) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(6) by adding at the end thereof the following new paragraph:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.".

Subdivision B—Juvenile Justice and Delinquency Prevention

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 620. Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended to read:

"ESTABLISHMENT OF OFFICE

"SEC. 201. (a) There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this division referred to as the 'Office') within the Department of Justice under the general authority of the Attorney General.

"(b) The Office shall be headed by an Administrator (hereinafter in this title referred to as the 'Administrator') appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title. The Administrator shall report to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs under part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

"(c) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General and whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established by section 241 of this Act. The Deputy Administrator shall also perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.".

TECHNICAL AMENDMENTS

SEC. 621. (a) Section 202(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(a)) is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(b) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 622. (a) Section 204(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(b) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Administrator",

(2) in paragraph (4) by striking out "he" and inserting in lieu thereof "the Administrator",

(3) in paragraph (5) by striking out "and",

(4) in paragraph (6) by striking out the period and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (6) the following new paragraph:

"(7) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems.".

(c) Section 204(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(e)) is amended by striking out "subsection ('l')" and inserting in lieu thereof "subsection (l)".

(d) Section 204(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(f)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(e) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(f) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended—

(1) by striking out "title" and inserting in lieu thereof "section", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(g) Section 204(l) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)) is amended—

(1) in paragraph (1)—

(A) by striking out "section 204(d)(1)" and inserting in lieu thereof "subsection (d)(1)", and

(B) by striking out "section 204(f)" and inserting in lieu thereof "subsection (f)",

(2) in paragraph (2)—

(A) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)", and

(B) by striking out "section 204(e)" each place it appears and inserting in lieu thereof "subsection (e)", and

(3) in paragraph (3)—

(A) by striking out "him" and inserting in lieu thereof "the Administrator", and

(B) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 623. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by striking out "Community Services Administration" and inserting in lieu thereof "Office of Community Services",

(2) by striking out "Director of the Office of Justice Assistance, Research, and Statistics," and inserting in lieu thereof "Assistant Attorney General who heads the Office of Justice Programs,", and

(3) by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Director of the Bureau of Justice Assistance".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended by striking out "deliquency programs" and inserting in lieu thereof "delinquency programs and, in consultation with the Advisory Board on Missing Children, all Federal programs relating to missing and exploited children".

(c) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(d) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by striking out "$500,000" and insert in lieu thereof "$200,000".

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 624. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(a)) is repealed.

TECHNICAL AMENDMENTS

SEC. 625. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for subpart I of part B of title II the following new heading for section 221:

"AUTHORITY TO MAKE GRANTS".

(b) Section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended—

(1) by striking out "and the Trust Territory" and inserting in lieu thereof "the Trust Territory", and

(2) by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

SEC. 626. (a) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) designate the State agency described in section 261(c)(1) as the sole agency for supervising the preparation and administration of the plan;",

(2) in paragraph (2) by striking out "(hereafter referred to in this part as the 'State criminal justice council')",

(3) in paragraph (3)—

(A) by amending subparagraph (C) to read as follows: "(C) which shall include (i) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (ii) representatives of organizations which utilize volunteers to work with delinquents or potential delinquents; (iii) representatives of community based delinquency prevention or treatment programs; (iv) representatives of business groups or businesses employing youth; (v) youth workers involved with alternative youth programs; and (vi) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities,", and

(B) in subparagraph (F)—

(i) by striking out "State criminal justice council" each place it appears and inserting in lieu thereof "State agency designated under paragraph (1)",

(ii) in clause (ii) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)", and

(iii) in clause (iv)—

(I) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)", and

(II) by striking out "in advising on the State's maintenance of effort under section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,",

(4) in paragraph (9) by inserting "special education," after "education,",

(5) In paragraph (10)—

(A) in the matter preceding subparagraph (A)—

(i) by striking out "programs for juveniles" and inserting in lieu thereof "programs for juveniles, including those processed in the criminal justice system,", and

(ii) by striking out "and provide for effective rehabilitation" and inserting in lieu thereof "provide for effective rehabilitation, and facilitate the coordination of services between the juvenile justice and criminal justice systems",

(B) in subparagraph (E) by inserting ", including programs to counsel delinquent youth and other youth regarding the opportunities which education provides" before the semicolon at the end thereof,

(C) in subparagraph (F) by inserting "and their families" before the semicolon at the end thereof,

(D) in subparagraph (H)—

(i) by amending clause (iii) to read as follows:

"(iii) establish and adopt, based on the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within the State;",

(ii) in clause (iv) by inserting "or" at the end thereof, and

(iii) by adding at the end thereof the following new clause:

"(v) involve parents and other family members in addressing the delinquency-related problems of juveniles;",

(E) in subparagraph (I) by striking out "and" at the end thereof,

(F) in subparagraph (J) by striking out "juvenile gangs and their members" and inserting in lieu thereof "gangs whose membership is substantially composed of juveniles", and

(G) by adding at the end thereof the following new subparagraphs:

"(K) programs and projects designed to provide for the treatment of juveniles' dependence on or abuse of alcohol or other addictive or nonaddictive drugs; and

"(L) law-related education programs and projects designed to prevent juvenile delinquency;",

(6) by amending paragraph (14) to read as follows:

"(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1989, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

"(i) are outside a Standard Metropolitan Statistical Area,

"(ii) have no existing acceptable alternative placement available, and "(iii) are in compliance with the provisions of paragraph (13).",

(7) in paragraph (18)—

(A) by striking out "arrangements are made" and inserting in lieu thereof "arrangements shall be made",

(B) by striking out "Act. Such" and inserting in lieu thereof "Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such",

(C) in subparagraph (D) by inserting "and" at the end thereof,

(D) in subparagraph (E) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and

(E) by striking out the last sentence of such paragraph,

(8) in paragraph (21) by striking out "State criminal justice council" and inserting in lieu thereof "State agency designated under paragraph (1)",

(9) in the matter following paragraph (22) by striking out the first sentence,

(10) by striking out the last sentence thereof,

(11) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (20), (21), (22), and (23), respectively, and

(12) by inserting after paragraph (16) the following new paragraph:

"(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen and maintain the family units of delinquent and other youth to prevent juvenile delinquency. Such approaches should include the involvement of grandparents or other extended family members when possible and appropriate;".

(b) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended—

(1) by striking out "State criminal justice council designated pursuant to section 223(a)" and inserting in lieu thereof "State agency designated under subsection (a)(1)", and

(2) by striking out "section 223(a)" and inserting in lieu thereof "subsection (a)".

(c) The last sentence of section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended by striking out "not to exceed 2 additional years" and inserting in lieu thereof "not to exceed 3 additional years".

(d) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 803, 804, and 805" and inserting in lieu thereof "sections 802, 803, and 804".

GRANTS AND CONTRACTS

SEC. 627. Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended to read as follows:

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 224. (a) From not less than 15 percent, but not more than 25 percent, of the funds appropriated for a fiscal year to carry out this part, the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals provide for each of the following during each fiscal year:

"(1) developing and maintaining community-based alternatives to traditional forms of institutionalization of juvenile offenders;

"(2) developing and implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

"(3) developing and supporting programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system;

"(4) developing model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency;

"(5) developing and implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles; and

"(6) developing and implementing further a coordinated, national law-related education program of delinquency prevention, including training programs for persons responsible for the implementation of law-related education programs in elementary and secondary schools.

"(b) From any special emphasis funds remaining available after grants and contracts are made under subsection (a), but not to exceed 10 percent of the funds appropriated for a fiscal year to carry out this part, the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals, to develop and implement new approaches, techniques, and methods designed to—

"(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent juvenile delinquency;

"(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

"(4) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this title, both by amending State laws if necessary, and devoting greater resources to those purposes;

"(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles;

"(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved;

"(7) develop and implement model programs, relating to the special education needs of delinquent and other youth, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

"(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, or institutions which have had experience in dealing with youth.

"(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged youth, including mentally, emotionally, or physically handicapped youth.

"(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

APPROVAL OF APPLICATIONS

SEC. 628. (a) Section 225(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(b)) is amended—

(1) in paragraph (2) by inserting "(such purpose or purposes shall be specifically identified in such application)" before the semicolon,

(2) in paragraph (5) by striking out ", when appropriate," and inserting in lieu thereof "(if such State or local agency exists)",

(3) in paragraph (6) by striking out ", when appropriate", and

(4) in paragraph (8) by striking out "indicate" and inserting in lieu thereof "attach a copy of".

(b) Section 225(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(c)) is amended—

(1) by inserting "and for contracts" after "for grants",

(2) in paragraph (4) by striking out "delinquents and other youth to help prevent delinquency" and inserting in lieu thereof "address juvenile delinquency and juvenile delinquency prevention",

(3) in paragraph (5) by inserting "and" at the end thereof,

(4) by striking out paragraph (6), and

(5) by redesignating paragraph (7) as paragraph (6).

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) inserting after subsection (c) the following new subsection:

"(d)(1)(A) Except as provided in subparagraph (B) new programs selected after the effective date of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 for assistance through grants or contracts under section 224 or part C of this title shall be selected through a competitive process to be established by rule by the Administrator. As part of such process, the Administrator shall announce in the Federal Register the availability of funds for such assistance, the general criteria applicable to the selection of applicants to receive such assistance, and a description of the procedures applicable to submitting and reviewing applications for such assistance.

"(B) The competitive process described in subparagraph (A) shall not be required if—

"(i) the Administrator has made a written determination that the proposed program is not within the scope of any program announcement or any announcement expected to be issued, but can otherwise be supported by a grant or contract in accordance with section 224 or part C of this title, and if the proposed program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

"(ii) the Administrator makes a written determination, which shall include the factual and other bases thereof, that the applicant is uniquely qualified to provide proposed training services as provided in section 244, and other qualified sources are not capable of carrying out the proposed program.

"(C) In each case where a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determination under clause (i) or clause (ii) of such subparagraph and the peer review determination required under paragraph (2).

"(2) New programs selected after the effective date of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 for assistance through grants or contracts under section 224 shall be reviewed before selection and thereafter as appropriate through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program. Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

"(3) The Administrator, in establishing the processes required under paragraphs (1) and (2), shall provide for emergency expedited consideration of program proposals when necessary to avoid any delay which would preclude carrying out the program.".

(d) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5035) is amended by adding at the end thereof the following new subsection:

"(f) Notification of grants and contracts made under section 224 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.".

USE OF FUNDS

SEC. 629. Section 227(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637(c)) is amended by striking out "section 224(a)(7)" each place it appears and inserting in lieu thereof "section 224(a)(3)".

PAYMENTS

SEC. 630. (a) Section 228(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(a)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(b) Section 228(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(d)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(c) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(e)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator",

(2) by striking out "section 803" and inserting in lieu thereof "section 802", and

(3) by striking out "section 224(a)(5)" and inserting in lieu thereof "section 224(b)(6)".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 631. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for part C of title II the following new heading for section 241:

"ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION".

(b) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(c)".

(c) Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)) is amended to read as follows:

"(d) It shall be the purpose of the Institute to provide—

"(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; and

"(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.".

(d) Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651) is amended—

(1) by redesignating subsection (f) as subsection (g),

(2) by inserting after subsection (e) the following new subsection:

"(f) The Administrator, acting through the Institute, shall provide, not less frequently than once every 2 years, for a national conference of member representatives from State advisory groups for the purpose of—

"(1) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 224;

"(2) reviewing Federal policies regarding juvenile justice and delinquency prevention;

"(3) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

"(4) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.", and

(3) by adding at the end thereof the following new subsection:
"(h) The authorities of the Institute under this part shall be subject to the terms and conditions of section 225(d).".

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 632. Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(1) in paragraph (1) by inserting "which seek to strengthen and maintain the family unit or" after "methods",

(2) in paragraph (4) by striking "Associate" and inserting in lieu thereof "Deputy",

(3) by amending paragraph (5) to read as follows:

"(5) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including—

"(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit; and

"(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the possible ameliorating roles of familial relationships, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

"(C) examinations of the treatment of juveniles processed in the criminal justice system; and

"(D) recommendations as to effective means for detering involvement in illegal activities or promoting involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.", and

(4) in paragraph (7) by striking out "(including a periodic journal)".

TRAINING FUNCTIONS

SEC. 633. Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(1) in paragraph (1)—

(A) by striking out "or who are" and inserting in lieu thereof "working with or", and

(B) by striking out "and juvenile offenders" and inserting in lieu thereof ", juvenile offenders, and their families",

(2) in paragraph (2) by striking out "workshop" and inserting in lieu thereof "workshops", and

(3) in paragraph (3) by striking out "teachers" and all that follows through the end thereof and inserting in lieu thereof the following: "teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency; and".

REPEALER

SEC. 634. Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is repealed.

ANNUAL REPORT

SEC. 635. Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "SEC. 246." and inserting in lieu thereof "SEC. 245.".

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 636. Section 247 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5657) is amended to read as follows:

"ADDITIONAL FUNCTIONS OF THE INSTITUTE

"SEC. 246. (a) The National Institute for Juvenile Justice and Delinquency Prevention shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

"(b) The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this title and the standards developed by National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984.".

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 637. (a) Section 248(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659(b)) is amended to read as follows:

"(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.".

(b) Section 248 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5659) is amended by striking out "SEC. 248." and inserting in lieu thereof "SEC. 247.".

TECHNICAL AMENDMENT

SEC. 638. Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "SEC. 249." and inserting in lieu thereof "SEC. 248.".

TRAINING PROGRAM

SEC. 639. (a) The heading for section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended to read as follows:

"PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES".

(b) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended to read as follows:

"(c) While participating as a trainee in the program established under section 246 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.".

(c) Section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended by striking out "SEC. 250." and inserting in lieu thereof "SEC. 249.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 640. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988. Funds appropriated for any fiscal year may remain available for obligation until expended.

"(b) Of such sums as are appropriated to carry out the purposes of this title—

"(1) not to exceed 7.5 percent shall be available to carry out part A;

"(2) not less than 81.5 percent shall be available to carry out part B; and

"(3) 11 percent shall be available to carry out part C.

"(c) Notwithstanding any other provision of law, the Administrator shall—

"(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 223 and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor; and

"(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).

"(d) No funds appropriated to carry out the purposes of this title may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term 'behavior control' refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).".

APPLICATION OF OTHER ADMINISTRATIVE AUTHORITY

SEC. 641. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"ADMINISTRATIVE AUTHORITY

"SEC. 262. (a) The Office shall be administered by the Administrator under the general authority of the Attorney General.

"(b) Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

"(1) any reference to the Office of Justice Programs in such sections shall be deemed to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

"(2) the term 'this title' as it appears in such sections shall be deemed to be a reference to this Act.

"(c) Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

"(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be deemed to be a reference to the Administrator;

"(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the Office of Juvenile Justice and Delinquency Prevention; and

"(3) the term 'this title' as it appears in such sections shall be deemed to be a reference to this Act.

"(d) The Administrator is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.".

Subdivision C—Runaway and Homeless Youth

RULES

SEC. 650. Section 303 of the Runaway and Homeless Youth Act (42 U.S.C. 5702) is amended to read as follows:

"RULES

"SEC. 303. The Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this title.".

PURPOSES OF GRANT PROGRAM

SEC. 651. (a) The first sentence of section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended—

(1) by inserting "and assistance to their families" before the period at the end thereof, and

(2) by striking, in the first sentence, "nonprofit private agencies and coordinated networks of such agencies" and inserting in lieu thereof "private entities and coordinated networks of such entities".

(b) Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended by inserting "and to the families of such juveniles" before the period at the end thereof.

ELIGIBILITY

SEC. 652. Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in paragraph (2) by striking out "portion" and inserting in lieu thereof "proportion",

(2) in paragraph (3) by striking out "(if such action is required by State law)",

(3) in paragraph (4) by inserting "school system personnel," after "social service personnel,",

(4) in paragraph (5) by striking out "parents" and inserting in lieu thereof "families", and

(5) in paragraph (6) by striking out "parents" and inserting in lieu thereof "family members".

APPROVAL BY SECRETARY

SEC. 653. The first sentence of section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended by striking out "nonprofit private agency" and inserting in lieu thereof "private entity".

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 654. Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by amending the heading to read as follows: "GRANTS TO PRIVATE ENTITIES; STAFFING", and

(2) in the first sentence—

(A) by striking out "nonprofit private agencies" and inserting in lieu thereof "private entities", and

(B) by striking out "house" and inserting in lieu thereof "center".

ADDITIONAL ASSISTANCE

SEC. 655. The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating sections 315 and 316 as sections 317 and 318, respectively, and

(2) by inserting after section 314 the following new sections:

"ASSISTANCE TO POTENTIAL GRANTEES

"SEC. 315. The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers. Such assistance shall consist of information on—

"(1) steps necessary to establish a runaway and homeless youth center, including information on securing space for such center, obtaining insurance, staffing, and establishing operating procedures;

"(2) securing local private or public financial support for the operation of such center, including information on procedures utilized by grantees under this title; and

"(3) the need for the establishment of additional runaway youth centers in the geographical area identified by the potential grantee involved.

"LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS

"SEC. 316. (a) The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers if the Secretary determines that—

"(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center;

"(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

"(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

"(b)(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

"(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.".

REORGANIZATION

SEC. 656. Part C of the Runaway and Homeless Youth Act (42 U.S.C. 5741) is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 657. (a) The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after the heading for part D the following new heading for section 341:

"AUTHORIZATION OF APPROPRIATIONS".

(b) Section 341(a) is amended by striking out "for each of the fiscal years" and all that follows through the period at the end thereof and inserting in lieu thereof "such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988.".

(c) Section 341(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(b)) is amended by striking out "Associate".

(d) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended by adding at the end thereof the following new subsection:

"(c) No funds appropriated to carry out the purposes of this title—

"(1) may be used for any program or activity which is not specifically authorized by this title; or

"(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(e) Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is redesignated as part C.

(f) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5757) is redesignated as section 331.

Subdivision D—Missing Children's Assistance

ASSISTANCE RELATING TO MISSING CHILDREN

SEC. 660. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—MISSING CHILDREN

"SHORT TITLE

"SEC. 401. This title may be cited as the Missing Children's Assistance Act.

"FINDINGS

"SEC. 402. The Congress hereby finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

"(2) many of these children are never reunited with their families;

"(3) often there are no clues to the whereabouts of these children;

"(4) many missing children are at great risk of both physical harm and sexual exploitation;

"(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(6) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(7) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

"(8) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

"DEFINITIONS

"SEC. 403. For the purpose of this title—

"(1) the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

"(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

"(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited; and

"(2) the term 'Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

"DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

"SEC. 404. (a) The Administrator shall—

"(1) issue such rules as the Administrator considers necessary or appropriate to carry out this title;

"(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

"(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1), to appropriate law enforcement entities;

"(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this title;

"(5) analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

"(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

"(B) effective programs designed to promote community awareness of the problem of missing children;

"(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

"(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or sexual exploitation; and

"(6) prepare, in conjunction with and with the final approval of the Advisory Board on Missing Children, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children.

"(b) The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) establish and operate a national toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian;

"(2) establish and operate a national resource center and clearinghouse designed—

"(A) to provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;

"(B) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians;

"(C) to disseminate nationally information about innovative and model missing childrens' programs, services, and legislation; and

"(D) to provide technical assistance to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of the missing and exploited child case; and

"(3) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year.

"(c) Nothing contained in this title shall be construed to grant to the Administrator any law enforcement responsibility or supervisory authority over any other Federal agency.

"ADVISORY BOARD

"SEC. 405. (a) There is hereby established the Advisory Board on Missing Children (hereinafter in this title referred to as the 'Advisory Board') which shall be composed of 9 members as follows:

"(1) a law enforcement officer;

"(2) an individual whose official duty is to prosecute violations of the criminal law of a State;

"(3) the chief executive officer of a unit of local government within a State;

"(4) a statewide elected officer of a State;

"(5) the Director of the Federal Bureau of Investigation or the Director's designee from within the Federal Bureau of Investigation; and

"(6) 4 members of the public who have experience or expertise relating to missing children (including members representing parent groups).

"(b) The Attorney General shall make the initial appointments to the Advisory Board not later than 90 days after the effective date of this title. The Advisory Board shall meet periodically and at the call of the Attorney General, but not less frequently than annually. The Chairman of the Advisory Board shall be designated by the Attorney General.

"(c) The Advisory Board shall—

"(1) advise the Administrator and the Attorney General in coordinating programs and activities relating to missing children which are planned, administered, or assisted by any Federal program;

"(2) advise the Administrator with regard to the establishment of priorities for making grants or contracts under section 406; and

"(3) approve the annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities relating to missing children and submit the first such annual plan to the President and the Congress not later than eighteen months after the effective date of this title.

"(d) Members of the Advisory Board, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"GRANTS

"SEC. 406. (a) The Administrator is authorized to make grants to and enter into contracts with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed—

"(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

"(2) to provide information to assist in the locating and return of missing children;

"(3) to aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

"(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of—

"(A) the abduction of a child, both during the period of disappearance and after the child is recovered; and

"(B) the sexual exploitation of a missing child;

"(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases; and

"(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children.

"(b) In considering grant applications under this title, the Administrator shall give priority to applicants who—

"(1) have demonstrated or demonstrate ability in—

"(A) locating missing children or locating and reuniting missing children with their legal custodians;

"(B) providing other services to missing children or their families; or

"(C) conducting research relating to missing children; and

"(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance.

The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1).

"(c) In order to receive assistance under this title for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

"CRITERIA FOR GRANTS

"Sec. 407. The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 406 and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 408. To carry out the provisions of this title, there are authorized to be appropriated $10,000,000 for fiscal year 1985, and such sums as may be necessary for fiscal years 1986, 1987, and 1988.".

Subdivision E—Effective Dates

EFFECTIVE DATES

Sec. 670. (a) Except as provided in subsection (b), this division and the amendments made by this division shall take effect on the date of the enactment of this joint resolution or October 1, 1984, whichever occurs later.

(b) Paragraph (2) of section 331(c) of the Runaway and Homeless Youth Act, as added by section 657(d) of this division, shall not apply with respect to any grant or payment made before the effective date of this joint resolution.

CHAPTER VII—SURPLUS FEDERAL PROPERTY AMENDMENTS

SEC. 701. Section 203 of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.".

SEC. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyanced under subsection (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.".

CHAPTER VIII—LABOR RACKETEERING AMENDMENTS

Sec. 801. Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186), is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

Sec. 802. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decisionmaking authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of thirteen years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 803. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of thirteen years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section—

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 804. (a) The amendments made by section 802 and section 803 of this title shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this title, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this title if a right of appeal or an appeal from such judgment is pending on the date of enactment of this title.

(b) Subject to subsection (a) the amendments made by sections 803 and 804 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this title.

SEC. 805. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

CHAPTER IX—CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT AMENDMENTS

SEC. 901. (a) Section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Subsection (a) of section 5322 of title 31, United States Code, is amended by striking out "$1,000, or imprisonment not more than one year, or both" and inserting in lieu thereof "$250,000, or imprisonment not more than five years, or both".

(c) Subsection (a) of section 5316 of title 31, United States Code, is amended—

(1) by inserting ", or attempts to transport or have transported," after "transports or has transported" in paragraph (1); and

(2) by striking out "more than $5,000" and inserting in lieu thereof "more than $10,000" in paragraph (1).

(d) Section 5317 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following new subsection after subsection (a):

"(b) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.".

(e) Chapter 53 of title 31 of the United States Code is amended by adding a new section 5323 at the end thereof as follows:

"§5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(f) The table of contents of chapter 53 of title 31 is amended by adding the following new item after the item relating to section 5322:

"5323. Rewards for informants.".

(g) Section 1961(1) of title 18, United States Code, is amended—

(1) by striking out "or" after "(relating to embezzlement from union funds),"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act".

CHAPTER X—MISCELLANEOUS VIOLENT CRIME AMENDMENTS

PART A—MURDER-FOR-HIRE AND VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY

SEC. 1001. (a) Chapter 1 of title 18 of the United States Code is amended by adding a new section 16 as follows:

"§ 16. Crime of violence defined

"The term 'crime of violence' means—

"(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

(b) The analysis for chapter 1 of title 18 of the United States Code is amended by adding at the end thereof the following:

"16. Crime of violence defined.".

SEC. 1002. (a) Chapter 95 of title 18, United States Code, is amended by adding new sections 1952A and 1952B, following section 1952, as follows:

"§ 1952A. Use of interstate commerce facilities in the commission of murder-for-hire

"(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not more than $10,000 or imprisoned for not more than five years, or both; and if personal injury results, shall be fined not more than $20,000 and imprisoned for not more than twenty years, or both; and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both.

"(b) As used in this section and section 1952B—

"(1) 'anything of pecuniary value' means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; and

"(2) 'facility of interstate commerce' includes means of transportation and communication.

"§ 1952B. Violent crimes in aid of racketeering activity

"(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

"(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than $50,000, or both;

"(2) for maiming, by imprisonment for not more than thirty years or a fine of not more than $30,000, or both;

"(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine of not more than $20,000, or both;

"(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine of not more than $5,000, or both;

"(5) for attempting or conspiring to commit murder or kidnaping, by imprisonment for not more than ten years or a fine of not more than $10,000, or both; and

"(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of not more than $3,000, or both.

"(b) As used in this section—

"(1) 'racketeering activity' has the meaning set forth in section 1961 of this title; and

"(2) 'enterprise' includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.".

(b) The analysis at the beginning of chapter 95 of title 18 is amended by adding after the item relating to section 1952 the following:

"1952A. Use of interstate commerce facilities in the commission of murder-for-hire.
"1952B. Violent crimes in aid of racketeering activity.".

PART B—SOLICITATION TO COMMIT A CRIME OF VIOLENCE

SEC. 1003. (a) Chapter 19 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 373. Solicitation to commit a crime of violence

"(a) Whoever, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct, shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half of the maximum fine prescribed for the punishment of the crime solicited, or both; or if the crime solicited is punishable by death, shall be imprisoned for not more than twenty years.

"(b) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not 'voluntary and complete' if it is motivated in whole or in part by a decision to postpone the commission of the crime until another time or to substitute another victim or another but similar objective. If the defendant raises the affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

"(c) It is not a defense to a prosecution under this section that the person solicited could not be convicted of the crime because he lacked the state of mind required for its commission, because he was incompetent or irresponsible, or because he is immune from prosecution or is not subject to prosecution.".

(b) The analysis at the beginning of chapter 19 of title 18 is amended by adding after the item relating to section 372 the following:

"373. Solicitation to commit a crime of violence.".

PART C—FELONY-MURDER RULE

SEC. 1004. Section 1111 of title 18 of the United States Code is amended by adding after the word "arson" the words "escape, murder, kidnaping, treason, espionage, sabotage,".

PART D—MANDATORY PENALTY FOR USE OF A FIREARM DURING A FEDERAL CRIME OF VIOLENCE

SEC. 1005. (a) Subsection (c) of section 924 of title 18 is amended to read as follows:

"(c) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

PART E—ARMOR-PIERCING BULLETS

SEC. 1006. (a) Chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Use of restricted ammunition

"(a) Whoever, during and in relation to the commission of a crime of violence including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device for which he may be prosecuted in a court of the United States, uses or carries any handgun loaded with armor-piercing ammunition as defined in subsection (b), shall, in addition to the punishment provided for the commission of such crime of violence be sentenced to a term of imprisonment for not less than five nor more than ten years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other terms of imprisonment including that imposed for the felony in which the armor-piercing handgun ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.

"(b) For purposes of this section—

"(1) 'armor-piercing ammunition' means ammunition which, when or if fired from any handgun used or carrried in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978; and

"(2) 'handgun' means any firearm, including a pistol or revolver, originally designed to be fired by the use of a single hand.".

(b) The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"929. Use of restricted ammunition.".

PART F—KIDNAPING OF FEDERAL OFFICIALS

SEC. 1007. Section 1201 of title 18 of the United States Code is amended—

(1) in subsection (a)(3), by deleting "or" at the end thereof;

(2) in subsection (a)(4), by deleting the comma at the end thereof and substituting "; or"; and

(3) by adding after subsection (a)(4) a new subsection (a)(5) to read as follows:

"(5) The person is among those officers and employees designated in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of his official duties,".

PART G—CRIMES AGAINST FAMILY MEMBERS OF FEDERAL OFFICIALS

SEC. 1008. (a) Chapter 7 of title 18 of the United States Code is amended by adding a new section at the end thereof to read as follows:

"§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

"(a) Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under 18 U.S.C. 1114, as amended, with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while he is engaged in or on account of the performance of his official duties, shall be punished as provided in subsection (b).

"(b)(1) An assault in violation of this section shall be punished as provided in section 111 of this title.

"(2) A kidnaping or attempted kidnaping in violation of this section shall be punished as provided in section 1201 of this title.

"(3) A murder or attempted murder in violation of this section shall be punished as provided in sections 1111 and 1113 of this title.

"(4) A threat made in violation of this section shall be punished by a fine of not more than $5,000 or imprisonment for a term of not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(c) As used in this section, the term—

"(1) 'Federal law enforcement officer' means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

"(2) 'immediate family member' of an individual means—

"(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

"(B) any other person living in his household and related to him by blood or marriage;

"(3) 'United States judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate; and

"(4) 'United States official' means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of The Central Intelligence Agency.".

"(b) The analysis of chapter 7 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.".

PART H—ADDITION OF CRIMES OF MAIMING AND INVOLUNTARY SODOMY TO MAJOR CRIMES ACT

SEC. 1009. Section 1153 of title 18 is amended to read as follows: "Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, rape, involuntary sodomy, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

"As used in this section, the offenses of burglary, involuntary sodomy, and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

"In addition to the offenses of burglary, involuntary sodomy, and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.".

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

PART I—DESTRUCTION OF MOTOR VEHICLES

SEC. 1010. Section 31 of title 18 of the United States Code is amended in the definition of "motor vehicle" by striking out "or passengers and property;" and inserting in lieu thereof "passengers and property, or property or cargo;".

PART J—DESTRUCTION OF ENERGY FACILITIES

SEC. 1011. (a) Chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1365. Destruction of an energy facility

"(a) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $100,000, or damages the property of an energy facility in any amount and causes a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine of not more than $50,000 or imprisonment for not more than ten years, or both.

"(b) Whoever knowingly and willfully damages the property of an energy facility in an amount that in fact exceeds $5,000 shall be punishable by a fine of not more than $25,000, or imprisonment for not more than five years, or both.

"(c) For purposes of this section, the term 'energy facility' means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.

"(d) The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1365 Destruction of an energy facility.".

PART K—ASSAULTS UPON FEDERAL OFFICIALS

SEC. 1012. Section 1114 of title 18 of the United States Code is amended—

(1) by inserting "or attempts to kill" after "kills";

(2) by striking out "while engaged in the performance of his official duties or on account of the performance of his official duties" and inserting in lieu thereof "or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,";

(3) by adding ", or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General" after "National Credit Union Administration"; and

(4) by inserting before the period at the end thereof the following: ", except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

PART L—ESCAPE FROM CUSTODY RESULTING FROM CIVIL COMMITMENT

SEC. 1013. Section 1826 of title 28, United States Code is amended by adding a new subsection (c) as follows:

"(c) Whoever escapes or attempts to escape from the custody of any facility or from any place in which or to which he is confined pursuant to this section or section 4243 of title 18, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to imprisonment for not more than three years, or a fine of not more than $10,000, or both.".

PART M—ARSON AMENDMENTS

SEC. 1014. Section 844 of title 18, United States Code, is amended by—

(1) by deleting "personal injury results" in subsections (d), (f), and (i) and substitute "personal injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,";

(2) by deleting "death results" in subsections (d), (f), and (i) and substitute "death results to any person, including any

public safety officer performing duties as a direct or proximate result of conduct prohibited by this subsection,".

PART N—RACKETEERING IN OBSCENE MATTER

SEC. 1020. Section 1961(1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

CHAPTER XI—SERIOUS NONVIOLENT OFFENSES

PART B—WARNING THE SUBJECT OF A SEARCH

SEC. 1103. Section 2232 of title 18 of the United States Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned more than five years, or both;

(b) by adding a new paragraph as follows:

"Whoever, having knowledge that any person authorized to make searches and seizures has been authorized or is otherwise likely to make a search or seizure, in order to prevent the authorized seizing or securing of any person, goods, wares, merchandise or other property, gives notice or attempts to give notice of the possible search or seizure to any person shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

PART C—PROGRAM FRAUD AND BRIBERY

SEC. 1104. (a) Chapter 31 of title 18 of the United States Code is amended by adding a new section 666 as follows:

"§ 666. Theft or bribery concerning programs receiving Federal funds

"(a) Whoever, being an agent of an organization, or of a State or local government agency, that receives benefits in excess of $10,000 in any one year period pursuant to a Federal program involving a grant, a contract, a subsidy, a loan, a guarantee, insurance, or another form of Federal assistance, embezzles, steals, purloins, willfully misapplies, obtains by fraud, or otherwise knowingly without authority converts to his own use or to the use of another, property having a value of $5,000 or more owned by or under the care, custody, or control of such organization or State or local government agency, shall be imprisoned for not more than ten years and fined not more than $100,000 or an amount equal to twice that which was obtained in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(b) Whoever, being an agent of an organization, or of a State or local government agency, described in subsection (a), solicits, demands, accepts, or agrees to accept anything of value from a person or organization other than his employer or principal for or because of the recipient's conduct in any transaction or matter or a series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned for not more than ten years or fined not more than $100,000 or an amount equal to twice that which was obtained, demanded, solicited or agreed upon in violation of this subsection, whichever is greater, or both so imprisoned and fined.

"(c) Whoever offers, gives, or agrees to give to an agent of an organization or of a State or local government agency, described in subsection (a), anything of value for or because of the recipient's conduct in any transaction or matter or any series of transactions or matters involving $5,000 or more concerning the affairs of such organization or State or local government agency, shall be imprisoned not more than ten years or fined not more than $100,000 or an amount equal to twice that offered, given or agreed to be given, whichever is greater, or both so imprisoned and fined.

"(d) For purposes of this section—

"(1) 'agent' means a person or organization authorized to act on behalf of another person, organization or a government and, in the case of an organization or a government, includes a servant or employee, a partner, director, officer, manager and representative;

"(2) 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, and any other association of persons;

"(3) 'government agency' means a subdivision of the executive, legislative, judicial, or other branch of a government, including a department, independent establishment, commission, administration, authority, board, and bureau; or a corporation or other legal entity established by, and subject to control by, a government or governments for execution of a governmental or intergovernmental program; and

"(4) 'local' means of or pertaining to a political subdivision within a State.".

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by adding after the item relating to section 665 the following:

"666. Theft or bribery concerning programs receiving Federal funds.".

PART D—COUNTERFEITING OF STATE AND CORPORATE SECURITIES

SEC. 1105. (a) Chapter 25 of title 18 of the United States Code is amended by adding the following new sections at the end thereof:

"§ 511. Securities of the States and private entities

"(a) Whoever makes, utters or possesses a counterfeited security of a State or a political subdivision thereof or of an organization, or whoever makes, utters or possesses a forged security of a State or political subdivision thereof or of an organization, with intent to deceive another person, organization, or government shall be fined not more than $250,000 or imprisoned for not more than ten years, or both.

"(b) Whoever makes, receives, possesses, sells or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged security with the intent that it be so used shall be punished by a fine of not more than $250,000 or by imprisonment for not more than ten years, or both.

"(c) For purposes of this section—

"(1) the term 'counterfeited' means a document that purports to be genuine but is not, because it has been falsely made or manufactured in its entirety;

"(2) the term 'forged' means a document that purports to be genuine but is not because it has been falsely altered, completed, signed, or endorsed, or contains a false addition thereto or insertion therein, or is a combination of parts of two or more genuine documents;

"(3) the term 'security' means—

"(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument as defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693(c)), money order, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in any profit-sharing agreement collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, voting trust certificate, or certificate of interest in tangible or intangible property;

"(B) an instrument evidencing ownership of goods, wares, or merchandise;

"(C) any other written instrument commonly known as a security;

"(D) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase, any of the foregoing; or

"(E) a blank form of any of the foregoing;

"(4) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, society, union, or any other association or persons which operates in or the activities of which affect interstate or foreign commerce; and

"(5) the term 'State' includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.".

(b) The analysis at the beginning of chapter 25 of title 18 is amended by adding after the item relating to section 509 the following:

"510. Securities of the State and private entities.".

PART E—RECEIPT OF STOLEN BANK PROPERTY

SEC. 1106. Subsection (c) of section 2113 of title 18 is amended to read as follows:

"(c) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value which has been taken or stolen from a bank, credit union, or savings and loan association in violation of subsection (b), knowing the same to be property which has been stolen shall be subject to the punishment provided in subsection (b) for the taker.".

PART F—BANK BRIBERY

SEC. 1107. (a) Section 215 of title 18 is amended to read as follows:

"(a) Whoever, being an officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, except as provided by law, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value, for himself or for any other person or entity, other than such financial institution, from any person or entity for or in connection with any transaction or business of such financial institution; or

"(b) Whoever, except as provided by law, directly or indirectly, gives, offers, or promises anything of value to any officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, or offers or promises any such officer, director, employee, agent, or attorney to give anything of value to any person or entity, other than such financial institution, for or in connection with any transaction or business of such financial institution, shall be fined not more than $5,000 or three times the value of anything offered, asked, given, received, or agreed to be given or received, whichever is greater, or imprisoned not more than five years, or both; but if the value of anything offered, asked, given, received, or agreed to be given or received does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) As used in this section—

"(1) 'financial institution' means—

"(A) any bank the deposits of which are insured by the Federal Deposit Insurance Corporation;

"(B) any member, as defined in section 2 of the Federal Home Loan Bank Act, as amended, of the Federal Home Loan Bank System and any Federal Home Loan Bank;

"(C) any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(D) any credit union the accounts of which are insured by the Administrator of the National Credit Union Administration;

"(E) any Federal land bank, Federal land bank association, Federal intermediate credit bank, production credit association, bank for cooperatives; and

"(F) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

"(2) 'bank holding company' or 'savings and loan holding company' means any person, corporation, partnership, business trust, association or similar organization which controls a financial institution in such a manner as to be a bank holding company or a savings and loan holding company under the Bank Holding Company Act Amendments of 1956 (12 U.S.C. 1841) or the Savings and Loan Holding Company Amendments of 1967 (12 U.S.C. 1730a).

"(d) This section shall not apply to the payment by a financial institution of the usual salary or director's fee paid to an officer, director, employee, agent, or attorney thereof, or to a reasonable fee paid by such financial institution to such officer, director, employee, agent, or attorney for services rendered to such financial institution.".

(b) Section 216 of title 18 is repealed, and the section analysis of chapter 11 for section 216 be amended to read:

"216. Repealed.".

PART G—BANK FRAUD

SEC. 1108. (a) Chapter 63 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1344. Bank fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud a federally chartered or insured financial institution; or

"(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'federally chartered or insured financial institution' means—

"(1) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(2) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(3) a credit union with accounts insured by the National Credit Union Administration Board;

"(4) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system; or

"(5) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States.".

(b) The analysis for chapter 63 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1344. Bank fraud.".

PART H—POSSESSION OF CONTRABAND IN PRISON

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows:

"§ 1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a)(3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"§ 1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.".

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

PART I—LIVESTOCK FRAUD

SEC. 1110. This Part may be cited as the "Livestock Fraud Protection Act".

SEC. 1111. Chapter 31 of title 18, United States Code, is amended by adding a new section 667 to read as follows:

"§ 667. Theft of livestock

"Whoever obtains or uses the property of another which has a value of $10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined not more than $10,000 or imprisoned not more than five years, or both.".

SEC. 1112. The analysis of chapter 31 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"667. Theft of livestock.".

SEC. 1113. Section 2316 of title 18, United States Code, is amended by striking out "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1114. Section 2317 of title 18, United States Code, is amended by striking "cattle" each place it appears in the section heading and in the text and inserting in lieu thereof in such instance "livestock".

SEC. 1115. The analysis of chapter 113 of title 18, United States Code, is amended by striking out "cattle" in sections 2316 and 2317 and inserting in lieu thereof "livestock".

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph: "For the purpose of this section 'public official' means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Governments thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.".

CHAPTER XII—PROCEDURAL AMENDMENTS

PART A—PROSECUTION OF CERTAIN JUVENILES AS ADULTS

SEC. 1201. (a) The first paragraph of section 5032 of title 18 of the United States Code is amended to read as follows:

"A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 841, 952(a), 955, or 959 of title 21, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction."

(b) The fourth paragraph of section 5032 of title 18 of the United States Code is amended—

(1) by striking "punishable by a maximum term of ten years imprisonment or more, life imprisonment or death," and inserting in lieu thereof: "that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21,";

(2) by striking out "sixteen" and "sixteenth" and inserting in lieu thereof "fifteen" and "fifteenth" respectively; and

(3) by striking out the period at the end of the paragraph and inserting in lieu thereof: "; however, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution."; and

(c) Section 5032 of title 18 of the United States Code is further amended by adding at the end thereof the following:

"Whenever a juvenile transferred to district court under this section is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

"Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.

"Whenever a juvenile is adjudged delinquent pursuant to the provisions of this chapter, the specific acts which the juvenile has been found to have committed shall be described as part of the official record of the proceedings and part of the juvenile's official record.".

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

PART B—WIRETAP AMENDMENTS

SEC. 1203. (a) Section 2518(7) of title 18 of the United States Code is amended by inserting ", the Deputy Attorney General, the Associate Attorney General," after the words "Attorney General".

(b) Paragraph (a) of section 2518(7) of title 18 of the United States Code is amended to read as follows:

"(a) an emergency situation exists that involves—

"(i) immediate danger of death or serious physical injury to any person,

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and".

(c) Subsection (1) of section 2516 of title 18 of the United States Code is amended—

(1) in paragraph (c) by adding "section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),";

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

"(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions); or" and

(4) in the first paragraph by inserting the words "Deputy Attorney General, Associate Attorney General," after the words "Attorney General.".

PART C—EXPANSION OF VENUE FOR THREAT OFFENSES

SEC. 1204. (a) The second paragraph of subsection (a) of section 3237 of title 18, United States Code is amended to read as follows:

"Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.".

(b) Section 3239 of title 18 of the United States Code is deleted, and amend section analysis accordingly.

PART D—INJUNCTIONS AGAINST FRAUD

SEC. 1205. (a) Chapter 63 of title 18 of the United States Code is amended by adding at the end thereof a new section 1345 as follows:

"§ 1345. Injunctions against fraud

"Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.".

(b) The analysis at the beginning of chapter 63 of title 18 is amended by adding after the item relating to section 1343 the following:

"1345. Injunctions against fraud.".

PART E—GOVERNMENT APPEAL OF POST-CONVICTION NEW TRIAL ORDERS

SEC. 1206. The first paragraph of section 3731 of title 18 of the United States Code is amended by adding, after "indictment or information" the words, "or granting a new trial after verdict or judgment,".

PART F—WITNESS PROTECTION

SUBPART A

SEC. 1207. This subpart may be cited as the "Witness Security Reform Act of 1984".

AUTHORITIES OF ATTORNEY GENERAL

SEC. 1208. Part II of title 18, United States Code, is amended by inserting after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Probationers and parolees.
"3523. Civil judgments.
"3524. Child custody arrangements.
"3525. Victims Compensation Fund.
"3526. Cooperation of other Federal agencies and State governments.
"3527. Additional authority of Attorney General.
"3528. Definition.

"§ 3521. Witness relocation and protection

"(a)(1) The Attorney General may provide for the relocation and other protection of a witness or a potential witness for the Federal Government or for a State government in an official proceeding concerning an organized criminal activity or other serious offense, if the Attorney General determines that an offense involving a crime of violence directed at the witness with respect to that proceeding, an offense set forth in chapter 73 of this title directed at the witness, or a State offense that is similar in nature to either such offense, is likely to be committed. The Attorney General may also provide for the relocation and other protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered on account of the participation of the witness in the judicial proceeding.

"(2) The Attorney General shall issue guidelines defining the types of cases for which the exercise of the authority of the Attorney General contained in paragraph (1) would be appropriate.

"(3) The United States and its officers and employees shall not be subject to any civil liability on account of any decision to provide or not to provide protection under this chapter.

"(b)(1) In connection with the protection under this chapter of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General shall take such action as the Attorney General determines to be necessary to protect the person involved from bodily injury and otherwise to assure the health, safety, and welfare of that person, including the psychological well-being and social adjustment of that person, for as long as, in the judgment of the Attorney General, the danger to that person exists. The Attorney General may, by regulation—

"(A) provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

"(B) provide housing for the person;

"(C) provide for the transportation of household furniture and other personal property to a new residence of the person;

"(D) provide to the person a payment to meet basic living expenses, in a sum established in accordance with regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(E) assist the person in obtaining employment;

"(F) provide other services necessary to assist the person in becoming self-sustaining;

"(G) disclose or refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure, except that the Attorney General shall, upon the request of State or local law enforcement officials or pursuant to a court order, without undue delay, disclose to such officials the identity, location, criminal records, and fingerprints relating to the person relocated or protected when the Attorney General knows or the request indicates that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence; and

"(H) exempt procurement for services, materials, and supplies, and the renovation and construction of safe sites within existing buildings from other provisions of law as may be required to maintain the security of protective witnesses and the integrity of the Witness Security Program.

The Attorney General shall establish an accurate, efficient, and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in subparagraph.

"(2) Deductions shall be made from any payment made to a person pursuant to paragraph (1)(D) to satisfy obligations of that person for family support payments pursuant to a State court order.

"(3) Any person who, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under paragraph (1)(G) shall be fined $5,000 or imprisoned five years, or both.

"(c) Before providing protection to any person under this chapter, the Attorney General shall, to the extent practicable, obtain information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person. The Attorney General shall also make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided and the possible risk of danger to other persons and property in the community where the person is to be relocated and shall determine whether the need for that person's testimony outweighs the risk of danger to the public. In assessing whether a person should be provided protection under this chapter, the Attorney General shall consider the person's criminal record, alternatives to providing protection under this chapter, the possibility of securing similar testimony from other sources, the need for protecting the person, the relative importance of the person's testimony, results of psychological examinations, whether providing such protection will substantially infringe upon the relationship between a child who would be relocated in connection with such protection and that child's parent who would not be so relocated, and such other factors as the Attorney General considers appropriate. The Attorney General shall not provide protection to any person under this chapter if the risk of danger to the public, including the potential harm to innocent victims, outweighs the need for that person's testimony. This subsection shall not be construed to authorize the disclosure of the written assessment made pursuant to this subsection.

"(d)(1) Before providing protection to any person under this chapter, the Attorney General shall enter into a memorandum of understanding with that person. Each such memorandum of understanding shall set forth the responsibilities of that person, including--

"(A) the agreement of the person, if a witness or potential witness, to testify in and provide information to all appropriate law enforcement officials concerning all appropriate proceedings;

"(B) the agreement of the person not to commit any crime;

"(C) the agreement of the person to take all necessary steps to avoid detection by others of the facts concerning the protection provided to that person under this chapter;

"(D) the agreement of the person to comply with legal obligations and civil judgments against that person;

"(E) the agreement of the person to cooperate with all reasonable requests of officers and employees of the Government who are providing protection under this chapter;

"(F) the agreement of the person to designate another person to act as agent for the service of process;

"(G) the agreement of the person to make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation;

"(H) the agreement of the person to disclose any probation or parole responsibilities, and if the person is on probation or parole under State law, to consent to Federal supervision in accordance with section 3522 of this title; and

"(I) the agreement of the person to regularly inform the appropriate program official of the activities and current address of such person.

Each such memorandum of understanding shall also set forth the protection which the Attorney General has determined will be provided to the person under this chapter, and the procedures to be followed in the case of a breach of the memorandum of understanding, as such procedures are established by the Attorney General. Such procedures shall include a procedure for filing and resolution of grievances of persons provided protection under this chapter regarding the administration of the program. This procedure shall include the opportunity for resolution of a grievance by a person who was not involved in the case.

"(2) The Attorney General shall enter into a separate memorandum of understanding pursuant to this subsection with each person protected under this chapter who is eighteen years of age or older. The memorandum of understanding shall be signed by the Attorney General and the person protected.

"(3) The Attorney General may delegate the responsibility initially to authorize protection under this chapter only to the Deputy Attorney General, to the Associate Attorney General, to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice, to the Assistant Attorney General in charge of Civil Rights Division of the Department of Justice (insofar as the delegation relates to a criminal civil rights case), and to one other officer or employee of the Department of Justice.

"(e) If the Attorney General determines that harm to a person for whom protection may be provided under section 3521 of this title is imminent or that failure to provide immediate protection would otherwise seriously jeopardize an ongoing investigation, the Attorney General may provide temporary protection to such person under this chapter before making the written assessment and determination required by subsection (c) of this section or entering into the memorandum of understanding required by subsection (d) of this section. In such a case the Attorney General shall make such assessment and determination and enter into such memorandum of understanding without undue delay after the protection is initiated.

"(f) The Attorney General may terminate the protection provided under this chapter to any person who substantially breaches the memorandum of understanding entered into between the Attorney General and that person pursuant to subsection (d), or who provides false information concerning the memorandum of understanding or the circumstances pursuant to which the person was provided protection under this chapter, including information with respect to the nature and circumstances concerning child custody and visitation. Before terminating such protection, the Attorney General shall send notice to the person involved of the termination of the protection provided under this chapter and the reasons for the termination. The decision of the Attorney General to terminate such protection shall not be subject to judicial review.

"§ 3522. Probationers and parolees

"(a) A probation officer may, upon the request of the Attorney General, supervise any person provided protection under this chapter who is on probation or parole under State law, if the State involved consents to such supervision. Any person so supervised shall be under Federal jurisdiction during the period of supervision and shall, during that period be subject to all laws of the United States which pertain to parolees.

"(b) The failure by any person provided protection under this chapter who is supervised under subsection (a) to comply with the memorandum of understanding entered into by that person pursuant to section 3521(d) of this title shall be grounds for the revocation of probation or parole, as the case may be.

"(c) The United States Parole Commission and the Chairman of the Commission shall have the same powers and duties with respect to a probationer or parolee transferred from State supervision pursuant to this section as they have with respect to an offender convicted in a court of the United States and paroled under chapter 311 of this title. The provisions of sections 4201 through 4204, 4205 (a), (e), and (h), 4206 through 4216, and 4218 of this title shall apply following a revocation of probation or parole under this section.

"(d) If a person provided protection under this chapter who is on probation or parole and is supervised under subsection (a) of this section has been ordered by the State court which imposed sentence on the person to pay a sum of money to the victim of the offense involved for damage caused by the offense, that penalty or award of damages may be enforced as though it were a civil judgment rendered by a United States district court. Proceedings to collect the moneys ordered to be paid may be instituted by the Attorney General in any United States district court. Moneys recovered pursuant to such proceedings shall be distributed to the victim.

"§ 3523. Civil judgments

"(a) If a person provided protection under this chapter is named as a defendant in a civil cause of action arising prior to or during the period in which the protection is provided, process in the civil proceeding may be served upon that person or an agent designated by that person for that purpose. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person protected at the person's last known address. The Attorney General shall notify the plaintiff in the action whether such process has been served. If a judgment in such action is entered against that person the Attorney General shall determine whether the person has made reasonable efforts to comply with the judgment. The Attorney General shall take appropriate steps to urge the person to comply with the judgment. If the Attorney General determines that the person has not made reasonable efforts to comply with the judgment, the Attorney General may, after considering the danger to the person and upon the request of the person holding the judgment disclose the identity and location of the person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure of the identity and location of the person shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the United States and its officers or employees to any civil liability.

"(b)(1) Any person who holds a judgment entered by a Federal or State court in his or her favor against a person provided protection under this chapter may, upon a decision by the Attorney General to deny disclosure of the current identity and location of such protected person, bring an action against the protected person in the United States district court in the district where the person holding the judgment (hereinafter in this subsection referred to as the 'petitioner') resides. Such action shall be brought within one hundred and twenty days after the petitioner requested the Attorney General to disclose the identity and location of the protected person. The complaint in such action shall contain statements that the petitioner holds a valid judgment of a Federal or State court against a person provided protection under this chapter and that the petitioner sought to enforce the judgment by requesting the Attorney General to disclose the identity and location of the protected person.

"(2) The petitioner in an action described in paragraph (1) shall notify the Attorney General of the action at the same time the action is brought. The Attorney General shall appear in the action and shall affirm or deny the statements in the complaint that the person against whom the judgment is allegedly held is provided protection under this chapter and that the petitioner requested the Attorney General to disclose the identity and location of the protected person for the purpose of enforcing the judgment.

"(3) Upon a determination (A) that the petitioner holds a judgment entered by a Federal or State court and (B) that the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person against whom the judgment was entered, the court shall appoint a guardian to act on behalf of the petitioner to enforce the judgment. The clerk of the court shall forthwith furnish the guardian with a copy of the order of appointment. The Attorney General shall disclose to the guardian the current identity and location of the protected person and any other information necessary to enable the guardian to carry out his or her duties under this subsection.

"(4) It is the duty of the guardian to proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner under the judgment. The guardian shall, however, endeavor to carry out such enforcement duties in a manner that maximizes, to the extent practicable, the safety and security of the protected person. In no event shall the guardian disclose the new identity or location of the protected person without the permission of the Attorney General, except that such disclosure may be made to a Federal or State court in order to enforce the judgment. Any good faith disclosure made by the guardian in the performance of his or her duties under this subsection shall not create any civil liability against the United States or any of its officers or employees.

"(5) Upon appointment, the guardian shall have the power to perform any act with respect to the judgment which the petitioner could perform, including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law. The Federal Rules of Civil Procedure shall apply in any action brought under this subsection to enforce a Federal or State court judgment.

"(6) The costs of any action brought under this subsection with respect to a judgment, including any enforcement action described in paragraph (5), and the compensation to be allowed to a guardian appointed in any such action shall be fixed by the court and shall be apportioned among the parties as follows: the petitioner shall be assessed in the amount the petitioner would have paid to collect on the judgment in an action not arising under the provisions of this subsection; the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought under this subsection. In the event that the costs and compensation to the guardian are not met by the petitioner or by the protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of the action brought under this subsection.

"(7) No officer or employee of the Department of Justice shall in any way impede the efforts of a guardian appointed under this subsection to enforce the judgment with respect to which the guardian was appointed.

"(c) The provisions of this section shall not apply to a court order to which section 3524 of this title applies.

"§ 3524. Child custody arrangements

"(a) The Attorney General may not relocate any child in connection with protection provided to a person under this chapter if it appears that a person other than that protected person has legal custody of that child.

"(b) Before protection is provided under this chapter to any person (1) who is a parent of a child of whom that person has custody, and (2) who has obligations to another parent of that child with respect to custody or visitation of that child under a court order, the Attorney General shall obtain and examine a copy of such order for the purpose of assuring that compliance with the order can be achieved. If compliance with a visitation order cannot be achieved, the Attorney General may provide protection under this chapter to the person only if the parent being relocated initiates legal action to modify the existing court order under subsection (e)(1) of this section. The parent being relocated must agree in writing before being provided protection to abide by any ensuing court orders issued as a result of an action to modify.

"(c) With respect to any person provided protection under this chapter (1) who is the parent of a child who is relocated in connection with such protection and (2) who has obligations to another parent of that child with respect to custody or visitation of that child under a State court order, the Attorney General shall, as soon as practicable after the person and child are so relocated, notify in writing the child's parent who is not so relocated that the child has been provided protection under this chapter. The notification shall also include statements that the rights of the parent not so relocated to visitation or custody, or both, under the court order shall not be infringed by the relocation of the child and the Department of Justice responsibility with respect thereto. The Department of Justice will pay all reasonable costs of transportation and security incurred in insuring that visitation can occur at a secure location as designated by the United States Marshals Service, but in no event shall it be obligated to pay such costs for visitation in excess of thirty days a year, or twelve in number a year. Additional visitation may be paid for, in the discretion of the Attorney General, by the Department of Justice in extraordinary circumstances. In the event that the unrelocated parent pays visitation costs, the Department of Justice may, in the discretion of the Attorney General, extend security arrangements associated with such visitation.

"(d)(1) With respect to any person provided protection under this chapter (A) who is the parent of a child who is relocated in connection with such protection and (B) who has obligations to another parent of that child with respect to custody or visitation of that child under a court order, an action to modify that court order may be brought by any party to the court order in the District Court for the District of Columbia or in the district court for the district in which the child's parent resides who has not been relocated in connection with such protection.

"(2) With respect to actions brought under paragraph (1), the district courts shall establish a procedure to provide a reasonable opportunity for the parties to the court order to mediate their dispute with respect to the order. The court shall provide a mediator for this purpose. If the dispute is mediated, the court shall issue an order in accordance with the resolution of the dispute.

"(3) If, within sixty days after an action is brought under paragraph (1) to modify a court order, the dispute has not been mediated, any party to the court order may request arbitration of the dispute. In the case of such a request, the court shall appoint a master to act as arbitrator, who shall be experienced in domestic relations matters. Rule 53 of the Federal Rules of Civil Procedure shall apply to masters appointed under this paragraph. The court and the master shall, in determining the dispute, give substantial deference to the need for maintaining parent-child relationships, and any order issued by the court shall be in the best interests of the child. In actions to modify a court order brought under this subsection, the court and the master shall apply the law of the State in which the court order was issued or, in the case of the modification of a court order issued by a district court under this section, the law of the State in which the parent resides who was not relocated in connection with the protection provided under this chapter. The costs to the Government of carrying out a court order may be considered in an action brought under this subsection to modify that court order but shall not outweigh the relative interests of the parties themselves and the child.

"(4) Until a court order is modified under this subsection, all parties to that court order shall comply with their obligations under that court order subject to the limitations set forth in subsection (c) of this section.

"(5) With respect to any person provided protection under this chapter who is the parent of a child who is relocated in connection with such protection, the parent not relocated in connection with such protection may bring an action, in the District Court for the District of Columbia or in the district court for the district in which that parent resides, for violation by that protected person of a court order with respect to custody or visitation of that child. If the court finds that such a violation has occurred, the court may hold in contempt the protected person. Once held in contempt, the protected person shall have a maximum of sixty days, in the discretion of the Attorney General, to comply with the court order. If the protected person fails to comply with the order within the time specified by the Attorney General, the Attorney General shall disclose the new identity and address of the protected person to the other parent and terminate any financial assistance to the protected person unless otherwise directed by the court.

"(6) The United States shall be required by the court to pay litigation costs, including reasonable attorneys' fees, incurred by a parent who prevails in enforcing a custody or visitation order; but shall retain the right to recover such costs from the protected person.

"(e)(1) In any case in which the Attorney General determines that, as a result of the relocation of a person and a child of whom that person is a parent in connection with protection provided under this chapter, the implementation of a court order with respect to custody or visitation of that child would be substantially impossible, the Attorney General may bring, on behalf of the person provided protection under this chapter, an action to modify the court order. Such action may be brought in the district court for the district in which the parent resides who would not be or was not relocated in connection with the protection provided under this chapter. In an action brought under this paragraph, if the Attorney General establishes, by clear and convincing evidence, that implementation of the court order involved would be substantially impossible, the court may modify the court order but shall, subject to appropriate security considerations, provide an alternative as substantially equivalent to the original rights of the nonrelocating parent as feasible under the circumstances.

"(2) With respect to any State court order in effect to which this section applies, and with respect to any district court order in effect which is issued under this section, if the parent who is not relocated in connection with protection provided under this chapter intentionally violates a reasonable security requirement imposed by the Attorney General with respect to the implementation of that court order, the Attorney General may bring an action in the district court for the district in which that parent resides to modify the court order. The court may modify the court order if the court finds such an intentional violation.

"(3) The procedures for mediation and arbitration provided under subsection (d) of this section shall not apply to actions for modification brought under this subsection.

"(f) In any case in which a person provided protection under this chapter is the parent of a child of whom that person has custody and has obligations to another parent of that child concerning custody and visitation of that child which are not imposed by court order, that person, or the parent not relocated in connection with such protection, may bring an action in the district court of the district in which that parent not relocated resides to obtain an order providing for custody or visitation, or both, of that child. In any such action, all the provisions of subsection (d) of this section shall apply.

"(g) In any case in which an action under this section involves court orders from different States with respect to custody or visitation of the same child, the court shall resolve any conflicts by applying the rules of conflict of laws of the State in which the court is sitting.

"(h)(1) Subject to paragraph (2), the costs of any action described in subsection (d), (e), or (f) of this section shall be paid by the United States.

"(2) The Attorney General shall insure that any State court order in effect to which this section applies and any district court order in effect which is issued under this section are carried out. The Department of Justice shall pay all costs and fees described in subsections (c) and (d) of this section.

"(i) As used in this section, the term 'parent' includes any person who stands in the place of a parent by law.

"§ 3525. Victims Compensation Fund

"(a) The Attorney General may pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter.

"(b) Not later than four months after the end of each fiscal year, the Attorney General shall transmit to the Congress a detailed report on payments made under this section for such year.

"(c) There are authorized to be appropriated for the fiscal year 1985 and for each fiscal year thereafter, $1,000,000 for payments under this section.

"(d) The Attorney General shall establish guidelines and procedures for making payments under this section. The payments to victims under this section shall be made for the types of expenses provided for in section 3579(b) of this title, except that in the case of the death of the victim, an amount not to exceed $50,000 may be paid to the victim's estate. No payment may be made under this section to a victim unless the victim has sought restitution and compensation provided under Federal or State law or by civil action. Such payments may be made only to the extent the victim, or the victim's estate, has not otherwise received restitution and compensation, including insurance payments, for the crime involved. Payments may be made under this section to victims of crimes occurring on or after the date of the enactment of this chapter. In the case of a crime occurring before the date of the enactment of this chapter, a payment may be made under this section only in the case of the death of the victim, and then only in an amount not exceeding $25,000, and such a payment may be made notwithstanding the requirements of the third sentence of this subsection.

"(e) Nothing in this section shall be construed to create a cause of action against the United States.

"§ 3526. Cooperation of other Federal agencies and State governments; reimbursement of expenses

"(a) Each Federal agency shall cooperate with the Attorney General in carrying out the provisions of this chapter and may provide, on a reimbursable basis, such personnel and services as the Attorney General may request in carrying out those provisions.

"(b) In any case in which a State government requests the Attorney General to provide protection to any person under this chapter—

"(1) the Attorney General may enter into an agreement with that State government in which that government agrees to reimburse the United States for expenses incurred in providing protection to that person under this chapter; and

"(2) the Attorney General shall enter into an agreement with that State government in which that government agrees to cooperate with the Attorney General in carrying out the provisions of this chapter with respect to all persons.

"§ 3527. Additional authority of Attorney General

"The Attorney General may enter into such contracts or other agreements as may be necessary to carry out this chapter. Any such contract or agreement which would result in the United States being obligated to make outlays may be entered into only to the extent and in such amount as may be provided in advance in an appropriation Act.

"§ 3528. Definition

"For purposes of this chapter, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

SEC. 1209. (a) The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 223 the following new item:

"224. Protection of witnesses .... 3521".

(b) Title V of the Organized Crime Control Act of 1970 (84 Stat. 933) is repealed.

SEC. 1210. This subpart and the amendments made by this subpart shall take effect on October 1, 1984.

Subpart B

SEC. 1211. (a) Chapter 37 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 576. Reemployment rights

"(a) A United States marshal for a judicial district who was appointed from a position in the competitive service (as defined in section 2102 of title 5) in the United States Marshals Service and who, for reasons other than misconduct, neglect of duty, or malfeasance, is removed from such office, is entitled to be reemployed in any vacant position in the competitive service in the United States Marshals Service at the same grade or pay level, or lower, as the individual's former position if—

"(1) the individual is qualified for the vacant position; and

"(2) the individual has made application for the position not later than ninety days after being removed from office as a United States marshal.

Such individual shall be so reemployed within thirty days after making such application or after being removed from office, whichever is later. An individual denied reemployment under this section in a position because the individual is not qualified for that position may appeal that denial to the Merit Systems Protection Board under section 7701 of title 5.

(b) Any United States marshal serving on the effective date of this section shall continue to serve for the remainder of the term for which such marshal was appointed, unless sooner removed by the President.".

(c) The table of sections for chapter 37 of title 28, United States Code, is amended by adding at the end the following new item:

"576. Reemployment rights.".

SEC. 1212. The amendments made by this subpart shall take effect on October 1, 1984.

PART G—18 U.S.C. 951 AMENDMENTS

SEC. 1209. Section 951 of title 18, United States Code, is amended by—

(1) striking out "Secretary of State" and inserting in lieu thereof "Attorney General if required in subsection (b)";

(2) inserting "(a)" before "Whoever" and adding at the end of such subsection the following new subsections:

"(b) The Attorney General shall promulgate rules and regulations establishing requirements for notification.

"(c) The Attorney General shall, upon receipt, promptly transmit one copy of each notification statement filed under this section to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General to do so shall not be a bar to prosecution under this section.

"(d) For purposes of this section, the term 'agent of a foreign government' means an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official, except that such term does not include—

"(1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State;

"(2) any officially and publicly acknowledged and sponsored official or representative of a foreign government;

"(3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or

"(4) any person engaged in a legal commercial transaction.".

PART H—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.".

PART I—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by Federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that Federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

PART J—NOTICE ON SOCIAL SECURITY CHECKS

SEC. 1212. (a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

(b) Subsection (a) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act.

PART K—FOREIGN EVIDENCE

SEC. 1217. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 3505. Foreign records of regularly conducted activity

"(a)(1) In a criminal proceeding in a court of the United States, a foreign record of regularly conducted activity, or a copy of such record, shall not be excluded as evidence by the hearsay rule if a foreign certification attests that—

"(A) such record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(B) such record was kept in the course of a regularly conducted business activity;

"(C) the business activity made such a record as a regular practice; and

"(D) if such record is not the original, such record is a duplicate of the original;

unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.

"(2) A foreign certification under this section shall authenticate such record or duplicate.

"(b) At the arraignment or as soon after the arraignment as practicable, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party. A motion opposing admission in evidence of such record shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record or duplicate, but the court for cause shown may grant relief from the waiver.

"(c) As used in this section, the term—

"(1) 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country;

"(2) 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a foreign record of regularly conducted activity or another qualified person that, if falsely made, would subject the maker to criminal penalty under the laws of that country; and

"(3) 'business' includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

"§ 3506. Service of papers filed in opposition to official request by United States to foreign government for criminal evidence

"(a) Except as provided in subsection (b) of this section, any national or resident of the United States who submits, or causes to be submitted, a pleading or other document to a court or other authority in a foreign country in opposition to an official request for evidence of an offense shall serve such pleading or other document on the Attorney General at the time such pleading or other document is submitted.

"(b) Any person who is a party to a criminal proceeding in a court of the United States who submits, or causes to be submitted, a pleading or other document to a court or other authority in a foreign country in opposition to an official request for evidence of an offense that is a subject of such proceeding shall serve such pleading or other document on the appropriate attorney for the Government, pursuant to the Federal Rules of Criminal Procedure, at the time such pleading or other document is submitted.

"(c) As used in this section, the term 'official request' means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.

"§ 3507. Special master at foreign deposition

"Upon application of a party to a criminal case, a United States district court before which the case is pending may, to the extent permitted by a foreign country, appoint a special master to carry out at a deposition taken in that country such duties as the court may direct, including presiding at the deposition or serving as an advisor on questions of United States law. Notwithstanding any other provision of law, a special master appointed under this section shall not decide questions of privilege under foreign law. The refusal of a court to appoint a special master under this section, or of the foreign country to permit a special master appointed under this section to carry out a duty at a deposition in that country, shall not affect the admissibility in evidence of a deposition taken under the provisions of the Federal Rules of Criminal Procedure.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by adding at the end the following new items:

"3505. Foreign records of regularly conducted activity.
"3506. Service of papers filed in opposition to official request by United States to foreign government for criminal evidence.
"3507. Special master at foreign deposition.".

Sec. 1218. (a) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3292. Suspension of limitations to permit United States to obtain foreign evidence

"(a)(1) Upon application of the United States, filed before return of an indictment, indicating that evidence of an offense is in a foreign country, the district court before which a grand jury is impaneled to investigate the offense shall suspend the running of the statute of limitations for the offense if the court finds by a preponderance of the evidence that an official request has been made for such evidence and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.

"(2) The court shall rule upon such application not later than thirty days after the filing of the application.

"(b) Except as provided in subsection (c) of this section, a period of suspension under this section shall begin on the date on which the official request is made and end on the date on which the foreign court or authority takes final action on the request.

"(c) The total of all periods of suspension under this section with respect to an offense—

"(1) shall not exceed three years; and

"(2) shall not extend a period within which a criminal case must be initiated for more than six months if all foreign authorities take final action before such period would expire without regard to this section.

"(d) As used in this section, the term 'official request' means a letter rogatory, a request under a treaty or convention, or any other request for evidence made by a court of the United States or an authority of the United States having criminal law enforcement responsibility, to a court or other authority of a foreign country.".

(b) The table of sections for chapter 213 of title 18, United States Code, is amended by adding after the item relating to section 3291 the following new item:

"3292. Suspension of limitations to permit United States to obtain foreign evidence.".

SEC. 1219. Subsection (h) of section 3161 of title 18, United States Code, is amended—

(1) in paragraph (8)(C), by striking out "paragraph (8)(A) of this subsection" and inserting in lieu thereof "subparagraph (A) of this paragraph"; and

(2) by adding at the end the following new paragraph:

"(9) Any period of delay, not to exceed one year, ordered by a district court upon an application of a party and a finding by a preponderance of the evidence that an official request, as defined in section 3292 of this title, has been made for evidence of any such offense and that it reasonably appears, or reasonably appeared at the time the request was made, that such evidence is, or was, in such foreign country.".

SEC. 1220. This part and the amendments made by this part shall take effect thirty days after the date of the enactment of this Act.

CHAPTER XIII—NATIONAL NARCOTICS ACT

SEC. 1301. This chapter may be cited as the "National Narcotics Act of 1984".

SEC. 1302. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 1303. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget, and the Director of Central Intelligence and such other officials as may be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 1304. (a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board, is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of Government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy, and resources developed under subsection (a) of this section;

(3) review and approve the reprograming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all Government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Notwithstanding the authority granted in this section, the Board and the Chairman shall not interfere with routine law enforcement or intelligence decisions of any agency and shall undertake no activity inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 1305. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 1306. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) SUPPORT TO NATIONAL DRUG ENFORCEMENT POLICY BOARD.—One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Enforcement Policy Board and the health issues associated with drug abuse.".

SEC. 1307. This chapter and the amendments made by this chapter shall take effect January 20, 1985.

CHAPTER XIV—VICTIM COMPENSATION AND ASSISTANCE

SEC. 1401. This chapter may be cited as the "Victims of Crime Act of 1984".

CRIME VICTIMS FUND

SEC. 1402. (a) There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this chapter referred to as the "Fund").

(b) Except as limited by subsection (c), there shall be deposited in the Fund—

(1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 of the United States Code and for the purposes set forth in section 404(a)(8) of such title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18 of the United States Code;

(2) penalty assessments collected under section 3013 of title 18 of the United States Code;

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18 of the United States Code; and

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18 of the United States Code.

(c)(1) If the total deposited in the Fund during a particular fiscal year reaches the sum of $100 million, the excess over that sum shall be deposited in the general fund of the Treasury and shall not be a part of the Fund.

(2) No deposits shall be made in the Fund after September 30, 1988.

(d)(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this title without fiscal year limitation.

(2) Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 1403 and fifty percent shall be available for grants under section 1404.

(e) Any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purpose for which such grant is made at any time during the next succeeding fiscal year, at the end of which year any remaining unobligated sums shall be returned to the general fund of the Treasury.

(f) As used in this section, the term "offenses against the United States" does not include—

(1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);

(2) an offense against the laws of the District of Columbia; and

(3) an offense triable by an Indian tribal court or Court of Indian Offenses.

CRIME VICTIM COMPENSATION

SEC. 1403. (a)(1) Except as provided in paragraph (2), the Attorney General shall make an annual grant from the Fund to an eligible crime victim compensation program of 35 percent of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. A grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants of 35 percent as provided in paragraph (1), the Attorney General shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(b) A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims of crime and survivors of victims of crime for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of crimes occurring within such State that would be compensable crimes, but for the fact that such crimes are subject to Federal jurisdiction, on the same basis that such program provides compensation to victims of compensable crimes; and

(6) such program provides such other information and assurances related to the purposes of this section as the Attorney General may reasonably require.

(c) A State crime victim compensation program in effect on the date grants may first be made under this section shall be deemed an eligible crime victim compensation program for the purposes of this section until the day after the close of the first regular session of the legislature of that State that begins after such date.

(d) As used in this section—

(1) the term "property damage" does not include damage to prosthetic devices or dental devices;

(2) the term "medical expenses" includes, to the extent provided under the eligible crime victim compensation program, expenses for dental services and devices and prosthetic devices and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term "compensable crime" means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

CRIME VICTIM ASSISTANCE

SEC. 1404. (a)(1) Subject to the availability of money in the Fund, the Attorney General shall make an annual grant from any portion of the Fund not used for grants under section 1403 with respect to a particular fiscal year, and after any deduction under subsection (c), to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(C) provide such other information and assurances related to the purposes of this section as the Attorney General may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) $100,000 to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide $100,000 to each State, the funds available shall be distributed equally among the States.

(b)(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims; and

(E) assists potential recipients in seeking crime victim compensation benefits.

(2) An eligible crime victim assistance program shall expend sums received under subsection (a) only for providing services to victims of crime.

(c)(1) The Attorney General may in any fiscal year deduct from amounts available under section 1404 an amount not to exceed 5 percent of the amount in the Fund, and may expend the amount so deducted to provide services to victims of Federal crimes by the Department of Justice, or reimburse other instrumentalities of the Federal Government otherwise authorized to provide such services.

(2) The Attorney General shall appoint or designate an official of the Department of Justice to be the Federal Crime Victim Assistance Administrator (hereinafter in this chapter referred to as the "Federal Administrator") to exercise the responsibilities of the Attorney General under this subsection.

(3) The Federal Administrator shall—

(A) be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97-291);

(B) consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C) coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations; and

(D) perform such other functions related to the purposes of this title as the Attorney General may assign.

(4) The Attorney General may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

(d) As used in this section—

(1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and, except for the purposes of paragraphs (3)(A) and (4) of subsection (a) of this section, any other territory or possession of the United States; and

(2) the term "services to victims of crime" includes—

(A) crises intervention services;

(B) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C) assistance in participating in criminal justice proceedings; and

(D) payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are otherwise not reimbursed or paid;

(3) the term "services to victims of Federal crime" means services to victims of crime with respect to Federal crime, and includes—

(A) training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B) preparation, publication, and distribution of informational materials—

(i) setting forth services offered to victims of crime; and

(ii) concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C) salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

(4) the term "crises intervention services" means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5) the term "chief executive" includes a person designated by a chief executive to perform the functions of the chief executive under this section.

PENALTY ASSESSMENT

SEC. 1405. (a) Chapter 201 of title 18 of the United States Code is amended by adding at the end the following:

"§ 3013. Special assessment on convicted persons

"(a) The court shall assess on any person convicted of an offense against the United States—

"(1) in the case of a misdemeanor—

"(A) the amount of $25 if the defendant is an individual; and

"(B) the amount of $100 if the defendant is a person other than an individual; and

"(2) in the case of a felony—

"(A) the amount of $50 if the defendant is an individual; and

"(B) the amount of $200 if the defendant is a person other than an individual.

"(b) Such amount so assessed shall be collected in the manner that fines are collected in criminal cases.".

(b) The table of sections for chapter 201 of title 18 of the United States Code is amended by adding at the end the following:

"3013. Special assessment on convicted persons.".

SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME

SEC. 1406. (a) Title 18 of the United States Code is amended by adding after chapter 231 the following:

"CHAPTER 232—SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME

"Sec.
"3671. Order of special forfeiture.
"3672. Notice to victims of order of special forfeiture.

"§ 3671. Order of special forfeiture

"(a) Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense against the United States resulting in physical harm to an individual, and after notice to any interested party, the court shall, if the court determines that the interest of justice or an order of restitution under chapter 227 or 231 of this title so requires, order such defendant to forfeit all or any part of proceeds received or to be received by that defendant, or a transferee of that defendant, from a contract relating to a depiction of such crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind, or an expression of that defendant's thoughts, opinions, or emotions regarding such crime.

"(b) An order issued under subsection (a) of this section shall require that the person with whom the defendant contracts pay to the Attorney General any proceeds due the defendant under such contract.

"(c)(1) Proceeds paid to the Attorney General under this section shall be retained in escrow in the Crime Victims Fund in the Treasury by the Attorney General for five years after the date of an order under this section, but during that five year period may—

"(A) be levied upon to satisfy—

"(i) a money judgment rendered by a United States district court in favor of a victim of an offense for which such defendant has been convicted, or a legal representative of such victim; and

"(ii) a fine imposed by a court of the United States; and

"(B) if ordered by the court in the interest of justice, be used to—

"(i) satisfy a money judgment rendered in any court in favor of a victim of any offense for which such defendant has been convicted, or a legal representative of such victim; and

"(ii) pay for legal representation of the defendant in matters arising from the offense for which such defendant has been convicted, but no more than 20 percent of the total proceeds may be so used.

"(2) The court shall direct the disposition of all such proceeds in the possession of the Attorney General at the end of such five years and may require that all or any part of such proceeds be released from escrow and paid into the Crime Victims Fund in the Treasury.

"(d) As used in this section, the term 'interested party' includes the defendant and any transferee of proceeds due the defendant under the contract, the person with whom the defendant has contracted, and any person physically harmed as a result of the offense for which the defendant has been convicted.

"§ 3672. Notice to victims of order of special forfeiture

"The United States attorney shall, within thirty days after the imposition of an order under this chapter and at such other times as the Attorney General may require, publish in a newspaper of general circulation in the district in which the offense for which a defendant was convicted occurred, a notice that states—

"(1) the name of, and other identifying information about, the defendant;

"(2) the offense for which the defendant was convicted; and

"(3) that the court has ordered a special forfeiture of certain proceeds that may be used to satisfy a judgment obtained against the defendant by a victim of an offense for which the defendant has been convicted.".

(b) The table of chapters for part II of title 18 of the United States Code is amended by adding after the item for chapter 231 the following:

"232. Special forfeiture of collateral profits of crime.".

ADMINISTRATIVE PROVISIONS

SEC. 1407. (a) The Attorney General may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Attorney General under this chapter and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate.

(b) Each recipient of sums under this chapter shall keep such records as the Attorney General shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(c) The Attorney General or any duly authorized representative of the Attorney General shall have access, for purpose of audit and examination, to any books, documents, papers, and records of the recipient of sums under this chapter that, in the opinion of the Attorney General or any duly authorized representative of the Attorney General, may be related to the expenditure of funds received under this chapter.

(d) Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this chapter, shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this chapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

(e) No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

(f) If, after reasonable notice and opportunity for a hearing on the record, the Attorney General finds that a State has failed to comply substantially with any provision of this chapter or a rule, regulation, guideline, or procedure issued under this chapter, or an application submitted in accordance with this chapter or the provisions of any other applicable law, the Attorney General shall—

(1) terminate payments to such State;

(2) suspend payments to such State until the Attorney General is satisfied that such noncompliance has ended; or

(3) take such other action as the Attorney General deems appropriate.

(h) The Attorney General shall, no later than December 31, 1987, report to the President and to the Congress on the revenue derived from each source described in section 1302 and on the effectiveness of the activities supported under this chapter. The Attorney General may include in such report recommendations for legislation to improve this chapter.

PAROLE PROCEEDING AMENDMENTS

SEC. 1408. (a) Section 4207 of title 18 of the United States Code is amended—

(1) by striking out "and" at the end of paragraph (4); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) a statement, which may be presented orally or otherwise, by any victim of the offense for which the prisoner is imprisoned about the financial, social, psychological, and emotional harm done to, or loss suffered by such victim; and".

(b) Section 6(a) of the Victim and Witness Protection Act of 1982 is amended—

(1) in the catchline of paragraph (4), by striking out "Major";

(2) in paragraph (4), by striking out "if possible, of judicial proceedings relating to their case, including—" and inserting in lieu thereof "if possible, of—"; and

(3) in subparagraph (D) of paragraph (4)—

(A) by inserting "and punishment" after "prosecution"; and

(B) by inserting "a hearing to determine a parole release date and" after "imposed,".

(c) Section 4215 of title 18 of the United States Code is amended—

(1) so that the heading of such section reads as follows:

"§ 4215. Appeal";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking out "have the decision reconsidered" and inserting in lieu thereof "appeal such decision"; and

(ii) by striking out "regional commissioner" and inserting in lieu thereof "National Appeal Board"; and

(B) by striking out the second sentence; and

(3) in subsection (b), by striking out the first sentence.

(d) The table of sections at the beginning of chapter 311 of title 18 of the United States Code is amended so that the item relating to section 4215 reads as follows:

"4215. Appeal.".

EFFECTIVE DATES

SEC. 1409. (a) Except as provided in subsection (b), this chapter and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution.

(b) Sections 1402, 1403, 1404, and 1407 of this chapter shall take effect on October 1, 1984.

CONFORMING AMENDMENT

SEC. 1410. Section 3150(a) of title 18 U.S.C. is amended by striking out "the general fund of".

CHAPTER XV—TRADEMARK COUNTERFEITING

SEC. 1501. This chapter may be cited as the "Trademark Counterfeiting Act of 1984".

TITLE 18 AMENDMENT

SEC. 1502. (a) Chapter 113 of title 18 of the United States Code is amended by adding at the end the following:

"§ 2320. Trafficking in counterfeit goods or services

"(a) Whoever intentionally traffics or attempts to traffic in goods or services and knowingly uses a counterfeit mark on or in connection with such goods or services shall, if an individual, be fined not more than $250,000 or imprisoned not more than five years, or both, and, if a person other than an individual, be fined not more than $1,000,000. In the case of an offense by a person under this section that occurs after that person is convicted of another offense under this section, the person convicted, if an individual, shall be fined not more than $1,000,000 or imprisoned not more than fifteen years, or both, and if other than an individual, shall be fined not more than $5,000,000.

"(b) Upon a determination by a preponderance of the evidence that any articles in the possession of a defendant in a prosecution under this section bear counterfeit marks, the United States may obtain an order for the destruction of such articles.

"(c) All defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act shall be applicable in a prosecution under this section. In a prosecution under this section, the defendant shall have the burden of proof, by a preponderance of the evidence, of any such affirmative defense.

"(d) For the purposes of this section—

"(1) the term 'counterfeit mark' means—

"(A) a spurious mark—

"(i) that is used in connection with trafficking in goods or services;

"(ii) that is identical with, or substantially indistinguishable from, a mark registered for those goods or services on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered; and

"(iii) the use of which is likely to cause confusion, to cause mistake, or to deceive; or

"(B) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of the Lanham Act are made available by reason of section 110 of the Olympic Charter Act;

but such term does not include any mark or designation used in connection with goods or services of which the manufacturer or producer was, at the time of the manufacture or production in question authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation;

"(2) the term 'traffic' means transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or make or obtain control of with intent so to transport, transfer, or dispose of;

"(3) the term 'Lanham Act' means the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (15 U.S.C. 1051 et seq.); and

"(4) the term 'Olympic Charter Act' means the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 371 et seq.).".

(b) The table of sections at the beginning of chapter 113 of title 18 of the United States Code is amended by adding at the end the following new item:

"2320. Trafficking in counterfeit goods or services.".

LANHAM ACT AMENDMENT

SEC. 1503. The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) is amended—

(1) in section 34 (15 U.S.C. 1116)—

(A) by designating the first paragraph as subsection (a);

(B) by designating the second paragraph as subsection (b);

(C) by designating the third paragraph as subsection (c); and

(D) by adding at the end the following:

"(d)(1)(A) In the case of a civil action arising under section 32(1)(a) of this Act (15 U.S.C. 1114) or section 110 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 380) with respect to a violation that consists of using a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services, the court may, upon ex parte application, grant an order under subsection (a) of this section pursuant to this subsection providing for the seizure of goods and counterfeit marks involved in such violation and the means of making such marks, and records documenting the manufacture, sale, or receipt of things involved in such violation.

"(B) As used in this subsection the term 'counterfeit mark' means—

"(i) a counterfeit of a mark that is registered on the principal register in the United States Patent and Trademark Office for such goods or services sold, offered for sale, or distributed and that is in use, whether or not the person against whom relief is sought knew such mark was so registered; or

"(ii) a spurious designation that is identical with, or substantially indistinguishable from, a designation as to which the remedies of this Act are made available by reason of section 110 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 380);

but such term does not include any mark or designation used in connection with goods or services of which the manufacture or producer was, at the time of the manufacture or production in question authorized to use the mark or designation for the type of goods or services so manufactured or produced, by the holder of the right to use such mark or designation.

"(2) The court shall not receive an application under this subsection unless the applicant has given such notice of the application as is reasonable under the circumstances to the United States attorney for the judicial district in which such order is sought. Such attorney may participate in the proceedings arising under such application if such proceedings may affect evidence of an offense against the United States. The court may deny such application if the court determines that the public interest in a potential prosecution so requires.

"(3) The application for an order under this subsection shall—

"(A) be based on an affidavit or the verified complaint establishing facts sufficient to support the findings of fact and conclusions of law required for such order; and

"(B) contain the additional information required by paragraph (5) of this subsection to be set forth in such order.

"(4) The court shall not grant such an application unless—

"(A) the person obtaining an order under this subsection provides the security determined adequate by the court for the payment of such damages as any person may be entitled to recover as a result of a wrongful seizure or wrongful attempted seizure under this subsection; and

"(B) the court finds that it clearly appears from specific facts that—

"(i) an order other than an ex parte seizure order is not adequate to achieve the purposes of section 32 of this Act (15 U.S.C. 1114);

"(ii) the applicant has not publicized the requested seizure;

"(iii) the applicant is likely to succeed in showing that the person against whom seizure would be ordered used a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services;

"(iv) an immediate and irreparable injury will occur if such seizure is not ordered;

"(v) the matter to be seized will be located at the place identified in the application;

"(vi) the harm to the applicant of denying the application outweighs the harm to the legitimate interests of the person against whom seizure would be ordered of granting the application; and

"(vii) the person against whom seizure would be ordered, or persons acting in concert with such person, would destroy, move, hide, or otherwise make such matter inaccessible to the court, if the applicant were to proceed on notice to such person.

"(5) An order under this subsection shall set forth—

"(A) the findings of fact and conclusions of law required for the order;

"(B) a particular description of the matter to be seized, and a description of each place at which such matter is to be seized;

"(C) the time period, which shall end not later than seven days after the date on which such order is issued, during which the seizure is to be made;

"(D) the amount of security required to be provided under this subsection; and

"(E) a date for the hearing required under paragraph (10) of this subsection.

"(6) The court shall take appropriate action to protect the person against whom an order under this subsection is directed from publicity, by or at the behest of the plaintiff, about such order and any seizure under such order.

"(7) Any materials seized under this subsection shall be taken into the custody of the court. The court shall enter an appropriate protective order with respect to discovery by the applicant of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to the applicant.

"(8) An order under this subsection, together with the supporting documents, shall be sealed until the person against whom the order is directed has an opportunity to contest such order, except that any person against whom such order is issued shall have access to such order and supporting documents after the seizure has been carried out.

"(9) The court shall order that a United States marshal or other law enforcement officer is to serve a copy of the order under this subsection and then is to carry out the seizure under such order. The court shall issue orders, when appropriate, to protect the defendant from undue damage from the disclosure of trade secrets or other confidential information during the course of the seizure, including, when appropriate, orders restricting the access of the applicant (or any agent or employee of the applicant) to such secrets or information.

"(10)(A) The court shall hold a hearing, unless waived by all the parties, on the date set by the court in the order of seizure. That date shall be not sooner than ten days after the order is issued and not later than fifteen days after the order is issued, unless the applicant for the order shows good cause for another date or unless the party against whom such order is directed consents to another date for such hearing. At such hearing the party obtaining the order shall have the burden to prove that the facts supporting findings of fact and conclusions of law necessary to support such order are still in effect. If that party fails to meet that burden, the seizure order shall be dissolved or modified appropriately.

"(B) In connection with a hearing under this paragraph, the court may make such orders modifying the time limits for discovery under the Rules of Civil Procedure as may be necessary to prevent the frustration of the purposes of such hearing.

"(11) A person who suffers damage by reason of a wrongful seizure under this subsection has a cause of action against the applicant for the order under which such seizure was made, and shall be entitled to recover such relief as may be appropriate, including damages for lost profits, cost of materials, loss of good will, and punitive damages in instances where the seizure was sought in bad faith, and, unless the court finds extenuating circumstances, to recover a reasonable attorney's fee. The court in its discretion may award prejudgment interest on relief recovered under this paragraph, at an annual interest rate established under section 6621 of the Internal Revenue Code of 1954, commencing on the date of service of the claimant's pleading setting forth the claim under this paragraph and ending on the date such recovery is granted, or for such shorter time as the court deems appropriate.";

(2) in section 35 (15 U.S.C. 1117)—

(A) by inserting "(a)" before "When"; and

(B) by adding at the end the following new subsection:

"(b) In assessing damages under subsection (a), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever is greater, together with a reasonable attorney's fee, in the case of any violation of section 32(1)(a) of this Act (15 U.S.C. 1114(1)(a)) or section 110 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 380) that consists of intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act (15 U.S.C. 1116(d)), in connection with the sale, offering for sale, or distribution of goods or services. In such cases, the court may in its discretion award prejudgment interest on such amount at an annual interest rate established under section 6621 of the Internal Revenue Code of 1954, commencing on the date of the service of the claimant's pleadings setting forth the claim for such entry and ending on the date such entry is made, or for such shorter time as the court deems appropriate."; and

(3) in section 36 (15 U.S.C. 1118), by adding at the end of such section "The party seeking an order under this section for destruction of articles seized under section 34(d) (15 U.S.C. 1116(d)) shall give ten days' notice to the United States attorney for the judicial district in which such order is sought (unless good cause is shown for lesser notice) and such United States attorney may, if such destruction may affect evidence of an offense against the United States, seek a hearing on such destruction or participate in any hearing otherwise to be held with respect to such destruction.".

CHAPTER XVI—CREDIT CARD FRAUD

SEC. 1601. This chapter may be cited as the "Credit Card Fraud Act of 1984".

SEC. 1602. (a) Chapter 47 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 1029. Fraud and related activity in connection with access devices

"(a) Whoever—

"(1) knowingly and with intent to defraud produces, uses, or traffics in one or more counterfeit access devices;

"(2) knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating $1,000 or more during that period;

"(3) knowingly and with intent to defraud possesses fifteen or more devices which are counterfeit or unauthorized access devices; or

"(4) knowingly, and with intent to defraud, produces, traffics in, has control or custody of, or possesses device-making equipment;

shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1) a fine of not more than the greater of $10,000 or twice the value obtained by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph;

"(2) a fine of not more than the greater of $50,000 or twice the value obtained by the offense or imprisonment for not more than fifteen years, or both, in the case of an offense under subsection (a)(1) or (a)(4) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph; and

"(3) a fine of not more than the greater of $100,000 or twice the value obtained by the offense or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this paragraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section—

"(1) the term 'access device' means any card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument);

"(2) the term 'counterfeit access device' means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of an access device or a counterfeit access device;

"(3) the term 'unauthorized access device' means any access device that is lost, stolen, expired, revoked, canceled, or obtained with intent to defraud;

"(4) the term 'produce' includes design, alter, authenticate, duplicate, or assemble;

"(5) the term 'traffic' means transfer, or otherwise dispose of, to another, or obtain control of with intent to transfer or dispose of; and

"(6) the term 'device-making equipment' means any equipment, mechanism, or impression designed or primarily used for making an access device or a counterfeit access device.

"(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970) 18 U.S.C. note prec. 3481).".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new item:

"1029. Fraud and related activity in connection with access devices.".

Sec. 1603. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this joint resolution, concerning prosecutions under the section of title 18 of the United States Code added by this chapter.

CHAPTER XVII—SALARIES OF UNITED STATES ATTORNEYS

Sec. 1701. (a) Section 548 of title 28, United States Code, is amended to read as follows:

"§ 548. Salaries

"Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.".

(b) Section 5315 of title 5, United States Code, is amended by striking out the items relating to the United States Attorney for the Southern District of New York, the United States Attorney for the District of Columbia, the United States Attorney for the Northern District of Illinois, and the United States Attorney for the Central District of California.

CHAPTER XVIII—ARMED CAREER CRIMINAL

SEC. 1801. This chapter may be cited as the "Armed Career Criminal Act of 1984".

SEC. 1802. Section 1202(a) of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(a)) is amended by adding at the end "In the case of a person who receives, possesses, or transports in commerce or affecting commerce any firearm and who has three previous convictions by any court referred to in paragraph (1) of this subsection for robbery or burglary, or both, such person shall be fined not more than $25,000 and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under this subsection, and such person shall not be eligible for parole with respect to the sentence imposed under this subsection.".

SEC. 1803. Section 1202(c) of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(c)) is amended—

(1) by striking out the period at the end of paragraph (7) and inserting a semicolon in lieu thereof; and

(2) by adding at the end the following:

"(8) 'robbery' means any felony consisting of the taking of the property of another from the person or presence of another by force or violence, or by threatening or placing another person in fear that any person will imminently be subjected to bodily injury; and

"(9) 'burglary' means any felony consisting of entering or remaining surreptitiously within a building that is property of another with intent to engage in conduct constituting a Federal or State offense.".

CHAPTER XIX—CRIMINAL JUSTICE ACT REVISION

SEC. 1901. This chapter may be cited as the "Criminal Justice Act Revision of 1984".

Subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) by striking out "$30" in paragraph (1) and inserting in lieu thereof "$60";

(2) by striking out "$20" in paragraph (1) and inserting in lieu thereof "$40";

(3) by striking out ", or such other hourly rate, fixed by the Judicial Council of the Circuit, not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district" in paragraph (1);

(4) by striking out "$1,000" each place it appears in paragraph (2) and inserting in lieu thereof "$2,000";

(5) by striking out "$400" in paragraph (2) and inserting in lieu thereof "$800"; and

(6) by striking out "$250" in paragraph (2) and inserting in lieu thereof "$500".

CHAPTER XX—TERRORISM

PART A—HOSTAGE TAKING

SEC. 2001. This part may be cited as the "Act for the Prevention and Punishment of the Crime of Hostage-Taking".

SEC. 2002. (a) Chapter 55 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 1203. Hostage taking

"(a) Except as provided in subsection (b) of this section, whoever, whether inside or outside the United States, seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts to do so, shall be punished by imprisonment for any term of years or for life.

"(b)(1) It is not an offense under this section if the conduct required for the offense occurred outside the United States unless—

"(A) the offender or the person seized or detained is a national of the United States;

"(B) the offender is found in the United States; or

"(C) the governmental organization sought to be compelled is the Government of the United States.

"(2) It is not an offense under this section if the conduct required for the offense occurred inside the United States, each alleged offender and each person seized or detained are nationals of the United States, and each alleged offender is found in the United States, unless the governmental organization sought to be compelled is the Government of the United States.

"(C) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) The table of sections at the beginning of chapter 55 of title 18 of the United States Code is amended by adding at the end the following new item:

"1203. Hostage taking.".

Sec. 2003. This part and the amendments made by this part shall take effect on the later of—

(1) the date of the enactment of this joint resolution; or

(2) the date the International Convention Against the Taking of Hostages has come into force and the United States has become a party to that convention.

PART B—AIRCRAFT SABOTAGE

SHORT TITLE

SEC. 2011. This part may be cited as the "Aircraft Sabotage Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2012. The Congress hereby finds that—

(1) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (ratified by the United States on November 1, 1972) requires each contracting State to

establish its jurisdiction over certain offenses affecting the safety of civil aviation;

(2) such offenses place innocent lives in jeopardy, endanger national security, affect domestic tranquility, gravely affect interstate and foreign commerce, and are offenses against the law of nations; and

(3) the purpose of this subtitle is to implement fully the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and to expand the protection accorded to aircraft and related facilities.

Sec. 2013. (a) Section 31 of title 18, United States Code, is amended—

(1) in the first paragraph by—

(A) striking out "and" before the term "spare part" and inserting "and 'special aircraft jurisdiction of the United States' " after the term "spare part"; and

(B) striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) by striking out "and" at the end of the third undesignated paragraph thereof;

(3) by striking the period at the end thereof and inserting in lieu thereof ";" ; and

(4) by adding at the end thereof the following new paragraphs:

" 'In flight' means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door in opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property on board; and

" 'In service' means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.".

(b) Section 32 of title 18, United States Code, is amended to read as follows:

"§ 32. Destruction of aircraft or aircraft facilities

"(a) Whoever willfully—

"(1) sets fire to, damages, destroys, disables, or wrecks any aircraft in the special aircraft jurisdiction of the United States or any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce;

"(2) places or causes to be placed a destructive device or substance in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any such aircraft, or any part or other materials used or intended to be used in connection with the operation of such aircraft, if such placing or causing to be placed or such making or causing to be made is likely to endanger the safety of any such aircraft;

"(3) sets fire to, damages, destroys, or disables any air navigation facility, or interferes by force or violence with the operation of such facility, if such fire, damaging, destroying, disabling, or intefering is likely to endanger the safety of any such aircraft in flight;

"(4) with the intent to damage, destroy, or disable any such aircraft, sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft;

"(5) performs an act of violence against or incapacitates any individual on any such aircraft, if such act of violence or incapacitation is likely to endanger the safety of such aircraft;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any such aircraft in flight; or

"(7) attempts to do anything prohibited under paragraphs (1) through (6) of this subsection;

shall be fined not more than $100,000 or imprisoned not more than twenty years or both.

"(b) Whoever willfully—

"(1) performs an act of violence against any individual on board any civil aircraft registered in a country other than the United States while such aircraft is in flight, if such act is likely to endanger the safety of that aircraft;

"(2) destroys a civil aircraft registered in a country other than the United States while such aircraft is in service or causes damage to such an aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight;

"(3) places or causes to be placed on a civil aircraft registered in a country other than the United States while such aircraft is in service, a device or substance which is likely to destroy that aircraft, or to cause damage to that aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight; or

"(4) attempts to commit an offense described in paragraphs (1) through (3) of this subsection;

shall, if the offender is later found in the United States, be fined not more than $100,000 or imprisoned not more than twenty years, or both.

"(c) Whoever willfully imparts or conveys any threat to do an act which would violate any of paragraphs (1) through (5) of subsection (a) or any of paragraphs (1) through (3) of subsection (b) of this section, with an apparent determination and will to carry the threat into execution shall be fined not more than $25,000 or imprisoned not more than five years, or both.".

(c) Section 101(38)(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(38)(d), relating to the definition of the term "special aircraft jurisdiction of the United States", is amended—

(1) in clause (i), by striking out "; or" and inserting in lieu thereof a semicolon;

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or;"; and

(3) by adding at the end thereof the following new clause:

"(iii) regarding which an offense as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, September 23, 1971) is committed if the aircraft lands in the United States with an alleged offender still on board; and".

Sec. 2014. (a)(1) Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsections:

"(c) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this Act, shall be subject to a civil penalty of not more than $10,000 which shall be recoverable in a civil action brought in the name of the United States.

"(d) Except for law enforcement officers of any municipal or State government or officers or employees of the Federal Government, who are authorized or required within their official capacities to carry arms, or other persons who may be so authorized under regulations issued by the Administrator, whoever while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than $10,000 which shall be recoverable in a civil action brought in the name of the United States.".

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 901. Civil penalties."

is amended by inserting at the end thereof:

"(c) Conveying false information.
"(d) Concealed weapons.".

(b) Section 901(a)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)(2)) is amended by inserting "penalties provided for in subsections (c) and (d) of this section or" after "Secretary of Transportation in the case of".

(c)(1) Section 902(l)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(l)(1) is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(2) Section 902(l)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(l)(2)) is amended by striking out "$5,000" and inserting in lieu thereof "$25,000".

(d)(1) Section 902(m) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(m)) is amended to read as follows:

"FALSE INFORMATION AND THREATS

"(m)(1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(2) Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by subsection (i), (j), (k), or (l) of this section with an apparent determination and will to carry the threat into execution shall be fined not more than $25,000 or imprisoned not more than five years, or both.".

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by striking out

"(m) False information."

and inserting in lieu thereof

"(m) False information and threats.".

SEC. 2015. This part shall become effective on the date of the enactment of this joint resolution.

CHAPTER XXI—ACCESS DEVICES AND COMPUTERS

SEC. 2101. This chapter may be cited as the "Counterfeit Access Device and Computer Fraud and Abuse Act of 1984".

SEC. 2102. (a) Chapter 47 of title 18 of the United States Code as amended by chapter XVI of this joint resolution is further amended by adding at the end thereof the following:

"§ 1030. Fraud and related activity in connection with computers

"(a) Whoever—

"(1) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct obtains information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph r. of section 11 of the Atomic Energy Act of 1954, with the intent or reason to believe that such information so obtained is to be used to the injury of the United States, or to the advantage of any foreign nation;

"(2) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and thereby obtains information contained in a financial record of a financial institution, as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

"(3) knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct knowingly uses, modifies, destroys, or discloses information in, or prevents authorized use of, such computer, if such computer is operated for or on behalf of the Government of the United States and such conduct affects such operation;

shall be punished as provided in subsection (c) of this section. It is not an offense under paragraph (2) or (3) of this subsection in the case of a person having accessed a computer with authorization and using the opportunity such access provides for purposes to which such access does not extend, if the using of such opportunity consists only of the use of the computer.

"(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

"(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

"(c) The punishment for an offense under subsection (a) or (b)(1) of this section is—

"(1)(A) a fine of not more than the greater of $10,000 or twice the value obtained by the offense or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(1) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than the greater of $100,000 or twice the value obtained by the offense or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a)(1) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(2)(A) a fine of not more than the greater of $5,000 or twice the value obtained or loss created by the offense or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which does not occur after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph; and

"(B) a fine of not more than the greater of $10,000 or twice the value obtained or loss created by the offense or imprisonment for not than ten years, or both, in the case of an offense under subsection (a)(2) or (a)(3) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this subparagraph.

"(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(e) As used in this section, the term 'computer' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new items:

"1030. Fraud and related activity in connection with computers.".

SEC. 2103. The Attorney General shall report to the Congress annually, during the first three years following the date of the enactment of this joint resolution, concerning prosecutions under the sections of title 18 of the United States Code added by this chapter.

CHAPTER XXII

SEC. 2201. Notwithstanding this or any other Act regulating labor-management relations, each State shall have the authority to enact and enforce, as part of a comprehensive statutory system to eliminate the threat of pervasive racketeering activity in an industry that is, or over time has been, affected by such activity, a provision of law that applies equally to employers, employees, and collective bargaining representatives, which provision of law governs service in any position in a local labor organization which acts or seeks to act in that State as a collective bargaining representative pursuant to the National Labor Relations Act, in the industry that is subject to that program.

CHAPTER XXIII

SEC. 2301. (a) Subsection (a) of section 1963 of title 18 of the United States Code, as amended by chapter III of this title, is further amended by adding at the end the following: "In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds."

(b) Section 1963 of title 18 of the United States Code, as amended by chapter III of this title, is further amended by striking out subsection (d).

(c) Section 1963 (m)(1) of title 18 of the United States Code, as amended by chapter III of this title, is further amended by striking out "for at least seven successive court days".

(d) Section 413(a) of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended by chapter III of this title, is further amended by adding at the end the following: "In lieu of a fine otherwise authorized by this part, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds."

(e) Section 413 of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended by chapter III of this title, is further amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), (i), (l), (m), (n), (o), and (p) as subsections (d), (e), (f), (g), (h), (i), (j), (h), (l), (m), (n), and (o) respectively.

(f) Section 413(n) of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended by chapter III of this title, and as so redesignated by this chapter, is further amended by striking out "for at least seven successive court days".

SEC. 2302. Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended by chapter III of this title and this chapter, is further amended by adding at the end the following new section:

"ALTERNATIVE FINE

"SEC. 415. In lieu of a fine otherwise authorized by this part, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.".

SEC. 2303. (a) Section 524 of title 28 of the United States Code, as amended by chapter III of this title, is further amended in subsection (c)(1)—

(1) by striking out "and" at the end of subparagraph (c);

(2) by striking out the period at the end of subparagraph (1) and inserting a semicolon in lieu thereof; and

(3) by inserting after subparagraph (D) the following:

"(E) for equipping for law enforcement functions of forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the Drug Enforcement Administration or the Immigration and Naturalization Service; and

"(F) for purchase of evidence of any violation of the Controlled Substances Act or the Controlled Substances Import and Export Act.".

(b) Section 524 of title 28 of the United States Code, as amended by chapter III of this title, is further amended in subsection (c)—

(1) by inserting after paragraph (2) the following new paragraph:

"(3) Any amount under subparagraph (F) of subsection (c)(1) of this section shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay $100,000 or more may be delegated only to the respective head of the agency involved."; and

(2) by redesignating paragraphs (3) through (8) as (4) through (9) respectively.

SEC. 2304. Section 613(a) of the Tariff Act of 1930, as amended by chapter III of this title, is further amended—

(1) by striking out "and" at the end of subsection (a)(1);

(2) by striking out the period at the end of subsection (a)(2) and inserting a semicolon in lieu thereof;

(3) by inserting after paragraph (2) of subsection (a) the following:

"(3) for equipping for law enforcement functions of forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the United States Customs Service; and

"(4) purchases by the United States Customs Service for evidence (A) of smuggling of controlled substances, and (B) of violations of the currency and foreign transaction reporting requirements of chapter 53 of title 31, United States Code, if there is a substantial probability that the violation of these requirements are related to the smuggling of controlled substances";

(4) by inserting after subsection (a) the following:

"(b) If the expense of keeping the vessel, vehicle, aircraft, merchandise, or baggage is disproportionate to the value thereof, and such value is less than $1,000, such officer may proceed forthwith to order destruction or other appropriate disposition of such property, under regulations prescribed by the Secretary of the Treasury.

"(c) Amounts under subsection (a) of this section shall be available, at the discretion of the Commissioner of Customs, to reimburse the applicable appropriation for expenses incurred by the Coast Guard for a purpose specified in such subsection."; and

(5) by redesignating subsections (b) through (f) as subsections (d) through (h) respectively.

TITLE III—PRESIDENT'S EMERGENCY FOOD ASSISTANCE ACT OF 1984

SHORT TITLE

SEC. 301. This title may be cited as the "President's Emergency Food Assistance Act of 1984".

(President's Emergency Food Assistance Act of 1984)

PART A—PRESIDENT'S EMERGENCY FUND

FINDINGS

SEC. 302. The Congress finds that—

(1) acute food crises continue to cause loss of life, severe malnutrition, and general human suffering in many areas of the Third World, especially in sub-Saharan Africa;

(2) the United States continues to respond to these needs, as a reflection of its humanitarian concern for the people of the Third World, with emergency food and other necessary assistance to alleviate the suffering of those affected by severe food shortages;

(3) the timely provision of food and other necessary assistance to those in need is of paramount importance if the worst effects of such food crises are to be mitigated; and

(4) the ability of the United States to provide food and other necessary assistance on a timely basis, and to ensure that such assistance is distributed to those in need, should be enhanced in order to better enable the United States to help those affected by severe food shortages.

ESTABLISHMENT OF THE FUND

SEC. 303. (a) There is hereby established the President's Emergency Food Assistance Fund (hereafter in this title referred to as the "Fund"). Whenever the President determines it to be in the national interest of the United States, he is authorized to furnish, in accordance with the provisions of this part, and on such terms and conditions as he may determine, assistance from the Fund for the purpose of alleviating the human suffering of peoples outside the United States caused by acute food shortages. Such assistance may be provided through such governments or other entities, private or public, including intergovernmental and multilateral organizations, as the President deems appropriate.

(b) Because the effects of severe food shortages will vary with the country or region, assistance to alleviate human suffering may include the provision of food assistance or such activities as the provision of seed, animal fodder, animal vaccines, and transportation (including inland transportation) and distribution services.

(c) There are authorized to be appropriated to the President $50,000,000 each for fiscal year 1985 and fiscal year 1986 to carry out the purposes of this title, to remain available until expanded.

(d) The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations in furtherance of the purposes and within the limitations of this title.

REPORTS

SEC. 304. Not later than December 31 of each year, the President shall submit a comprehensive report to the appropriate committees of Congress detailing all activities carried out under the authority of this title during the previous fiscal year.

PART B—FOOD FOR PEACE PROGRAM

TRANSPORTATION AND STORAGE

SEC. 305. Section 203 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the semicolon at the end of clause (4) the following: "in the case of commodities for urgent and extraordinary relief requirements, including prepositioned commodities, transportation costs from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs;".

TITLE IV

(Social Security Act)

SEC. 401. (a)(1) Notwithstanding any provision of title XX of the Social Security Act, the amount applicable under section 2003(c)(3) of such Act shall be $2,725,000,000 for fiscal year 1985. Of such amount, $25,000,000 shall be allotted and used in accordance with this section.

(2) In addition to any other amounts appropriated under this resolution or any Act, there are hereby appropriated $25,000,000 for fiscal year 1985, for carrying out title XX of the Social Security Act, to be used in accordance with the provisions of this section. $25,000,000

(3) Amounts appropriated under this section shall remain available until September 30, 1985, without regard to section 102 of this resolution.

(4) Except as otherwise provided in this section, each State's allotment of the additional amounts authorized and appropriated under this section shall be the same proportion of $25,000,000 as such State's proportional allotment of other title XX funds for fiscal year 1985, as determined under section 2003 of the Social Security Act.

(b) The additional $25,000,000 made available to the States for fiscal year 1985 pursuant to subsection (a) shall—

(1) be used only for the purpose of providing training and retraining (including training in the prevention of child abuse in child care settings) to providers of licensed or registered child care services, operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents;

(2) be expended only to supplement the level of any funds that would, in the absence of the additional funds appropriated under this section, be available from other sources (including any amounts available under title XX of the Social Security Act without regard to this section) for the purpose specified in paragraph (1), and shall in no case supplant such funds from other sources or reduce the level thereof; and

(3) be separately accounted for in the reports and audits provided for in section 2006 of the Social Security Act.

(c)(1) In order to provide guidance and assistance to the States in utilizing funds allocated pursuant to title XX of the Social Security Act, not later than 3 months after the date of enactment of this section, the Secretary shall draft and distribute to the States for their consideration, a Model Child Care Standards Act containing—

(A) minimum licensing or registration standards for day care centers, group homes, and family day care homes regarding matters including—

(i) the training, development, supervision, and evaluation of staff;

(ii) staff qualification requirements, by job classification;

(iii) staff-child ratios;

(iv) probation periods for new staff;

(v) employment history checks for staff; and

(vi) parent visitation; and

(2)(A) Any State receiving an allotment under such title from the funds made available as a result of subsection (a) shall have in effect, not later than September 30, 1985—

(i) procedures, established by State law or regulation, to provide for employment history and background checks; and

(ii) provisions of State law, enacted in accordance with the provisions of Public Law 92-544 (86 Stat. 115) requiring nationwide criminal record checks

for all operators, staff or employees, or prospective operators, staff or employees of child care facilities (including any facility or program having primary custody of children for 20 hours or more per week), juvenile detention, correction or treatment facilities, with the objective of protecting the children involved and promoting such children's safety and welfare while receiving service through such facilities or programs.

(B) In the case of any State not meeting the requirements of subparagraph (A) by September 30, 1985, such State's allotment for fiscal year 1986 or 1987 shall be reduced in the aggregate by an amount equal to one-half of the amount by which such State's allotment under such title was increased for fiscal year 1985 as a result of subsection (a).

(d) The determination and promulgation required by section 2003(b) of the Social Security Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the date of the enactment of this Act.

SEC. 402. (a) The Congress finds that—

(abused children, Federal challenge grants)

(1) disturbing increases have occurred in recent years in the numbers of younger Americans who are abused;

(2) many children who run away from home, who fall prey to pornography and prostitution, who suffer from a dependency on alcohol and drugs, and who become juvenile offenders, have been victims of child abuse;

(3) research has shown that abuse tends to repeat itself, and many times parents who abuse their children were once victims themselves;

(4) given the increased demand for treatment and crisis intervention in child abuse and neglect cases, Federal funds distributed to States are most often used for treatment and little is left for prevention efforts;

(5) since 1980 some States have begun to recognize the critical need for prevention efforts, and trust funds (generated by surcharges on marriage licenses, birth certificates or divorce actions, or by special checkoffs on income tax returns) are being established to allow such States to pay for child abuse and neglect prevention activities despite depressed State economies and budget cutbacks;

(6) in recognition of the increased cases of child abuse and neglect, other States have established significant funds for child abuse and neglect prevention activities through direct appropriations; and

(7) the Nation cannot afford to ignore the importance of preventing child abuse.

(b) It is the purpose of sections 402 to 409, by providing for Federal challenge grants, to encourage States to establish and maintain trust funds or other funding mechanisms, including appropriations to support child abuse and neglect prevention activities.

DEFINITIONS

SEC. 403. As used in sections 402 to 409—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

GRANTS AUTHORIZED

SEC. 404. (a) The Secretary is authorized, in accordance with the provisions of sections 402 to 409, to make grants to eligible States.

(b) Payments under sections 402 to 409 may be made in any fiscal year following the fiscal year in which any State has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism.

(c) There is authorized to be appropriated such sums as are necessary to carry out the provisions of sections 402 to 409 for the fiscal year 1985 and for each of the four succeeding fiscal years.

STATE ELIGIBILITY

SEC. 405. Any State is eligible for a grant under sections 402 to 409 for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund or other funding mechanism, including appropriations, which is available only for child abuse and neglect prevention activities, including activities which—

(1) provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;

(2) encourage professional persons and groups to recognize and deal with problems of child abuse and neglect;

(3) make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and

(4) encourage the development of community prevention programs, including—

(A) community-based educational programs on parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(B) community-based programs relating to crisis care, aid to parents, child-abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite or crisis child care, and early identification of families where the potential for child abuse and neglect exists.

LIMITATIONS

SEC. 406. (a)(1) Any grant made to any eligible State under sections 402 to 409 in any fiscal year shall be equal to the lesser of—

(A) 25 percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous fiscal year in a trust fund (excluding any interest income from the principal of such fund) or through any other funding mechanism, including appropriations; or

(B) an amount equal to 50 cents times the number of children residing in such State according to the most current data available to the Secretary.

(2) For purposes of clause (B) of paragraph (1), the term "children" means individuals who have not attained the age of majority, as defined by such State.

(b)(1) No grant may be made to any eligible State unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of sections 402 to 409. Each application shall—

(A) specify that the trust fund advisory board, or in States without a trust fund mechanism, the State liaison agency to the National Center on Child Abuse and Neglect, established by section 2 of the Child Abuse Prevention and Treatment Act, will be responsible for administering and awarding of the Federal grants to eligible recipients carrying out activities described in section 5;

(B) provide assurances that any assistance received under sections 402 to 409 shall not be used as a source for non-Federal funds for the matching requirements of any other provision of Federal law; and

(C) provide for keeping records and making such reasonable reports as the Secretary deems essential to carry out the purposes and provisions of sections 402 to 409.

(2) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the

Secretary's intention to disapprove and opportunity for a hearing with respect to the disapproval.

WITHHOLDING

SEC. 407. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision of sections 402 to 409, the Secretary shall notify the State that further payments will not be made under sections 402 to 409 until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under sections 402 to 409.

AUDIT

SEC. 408. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any other entity receiving assistance under sections 402 to 409 that are pertinent to the sums received and disbursed under sections 402 to 409.

REPORT

SEC. 409. The Secretary shall prepare and submit to the Congress at the end of each year a compilation and analysis of any reports submitted by eligible States under section 6(b)(1)(C).

Approved October 12, 1984.

LEGISLATIVE HISTORY.—H.J. Res. 648 (S.J. Res. 356)

HOUSE REPORTS: No. 98-1030 (Comm. on Appropriations) and No. 98-1159 (Comm. of Conference).
SENATE REPORT No. 98-634 accompanying S.J. Res. 356 (Comm. on Appropriations).
CONGRESSIONAL RECORD. Vol. 130 (1984):
- Sept. 25, considered and passed House.
- Sept. 27-29, Oct. 1-4, considered and passed Senate, amended.
- Oct. 10, House agreed to conference report; receded from its disagreement and concurred in a certain Senate amendment.
- Oct. 11, Senate agreed to conference report.

Grand total, new budget (obligational) authority, Fourth Further Continuing Appropriations, 1985 (net) (Public Law 98-473) $1,419,013,753

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing resolution:

Department or establishment	Amount
Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) (p. 283)	[1] $33,126,319,000
District of Columbia Appropriation Bill, 1985 (H.R. 5899):	
Federal Funds (p. 283)	[2] 533,343,000
District of Columbia funds (p. 283)	*(2,363,128,000)*
Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) (pp. 283-319)	[3] 2,748,333,000
United States Institute of Peace (p. 320)	4,000,000
Department of Health and Human Services:	
National Institutes of Health (p. 320)	3,500,000
Alcohol, Drug Abuse, and Mental Health Administration (p. 320)	2,500,000
Military Construction Appropriation Bill, 1985 (H.R. 5898) (pp. 321-327)	[4] 8,405,206,000
Foreign Assistance and Related Programs Appropriations Bill, 1985 (H.R. 6237) (pp. 327-346)	[5] 18,190,366,636
Department of Defense Appropriation Bill, 1985 (H.R. 6329) (pp. 346-383)	[6] 274,398,173,000

See footnotes on pp. 615-616.

Department or establishment	Amount
Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) (pp. 383-400)	[7]$11,581,085,584
Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) (p. 400)	[8]12,766,276,000
Department of Health and Human Services:	
Health Resources and Services Administration (p. 400)	79,269,000
Social Security Administration (pp. 400-401)	444,262,000
Department of Education:	
Office of Bilingual Education and Minority Language Affairs (p. 401)	30,000,000
Office of Elementary and Secondary Education (p. 401)	10,000,000
Environmental Protection Agency (p. 401)	13,000,000
Veterans Administration (pp. 401-402)	306,600,000
Department of Housing and Urban Development:	
Rental Housing Assistance:	
Limitation on annual contract authority (p. 403)	*(3,300,000)*
Contract authority *(indefinite)* (p. 403)	95,700,000
Appropriation to Treasury for financing public housing (pp. 403-404)	300,000,000
Department of State (reappropriations) (p. 404)	6,500,000
General Services Administration *(limitation)* (p. 404)	*(3,611,000)*
Department of the Treasury (pp. 404-405)	448,753
Department of Transportation:	
National Highway Traffic Safety Administration:	
Limitation on obligations (p. 407)	*(126,500,000)*
By transfer (p. 407)	*(7,500,000)*
Federal Highway Administration (p. 408)	12,000,000
Coast Guard (p. 408)	2,000,000
Department of Agriculture (p. 408)	1,000,000
Department of Health and Human Services (p. 408)	11,550,000
Commission on Ukraine (p. 409)	400,000
Department of State (p. 409)	110,200,000
Department of Health and Human Services: Social Services Block Grant (title XX) (pp. 610-614)	25,000,000
Grand total, new budget (obligational) authority, Fourth Further Continuing Appropriations, 1985	258,392,138,973
LESS amounts for appropriation acts having separate extended bills and table VIII's in this volume:	
Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) (see pp. 73-100 and pp. 1865-1871)	−33,126,319,000
District of Columbia Appropriation Bill, 1985 (H.R. 5899) (see pp. 133-145 and pp. 1882-1883):	
Federal funds	−533,343,000
District of Columbia funds	*(−2,363,128,000)*
Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) (see pp. 193-194 and pp. 1895-1899)	−2,748,333,000
Military Construction Appropriation Bill, 1985 (H.R. 5898) (see p. 243 and p. 1912)	−8,405,206,000
Foreign Assistance and Related Programs Appropriations Bill, 1985 (H.R. 6237) (see p. 165 and pp. 1887-1890)	−18,190,366,636
Department of Defense Appropriation Bill, 1985 (H.R. 6329) (see p. 131 and pp. 1879-1881)	−274,398,173,000
Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) (see pp. 245-246 and pp. 1913-1916)	−11,581,085,584
Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) (see pp. 247-271 and pp. 1917-1919)	−12,766,276,000
Subtotal, deductions (regular annual appropriation bills, 1985)	−256,934,209,220
Net total, new budget (obligational) authority, Fourth Further Continuing Appropriations, 1985	1,457,929,753

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[1] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 5743, which was not enacted into law, a separate extended bill and table VIII for H.R. 5743 are included in this volume on pp. 73-100 and pp. 1865-1871.

[2] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 5899, which was not enacted into law, a separate extended bill and table VIII for H.R. 5899 are included in this volume on pp. 133-145 and pp. 1882-1883.

(Footnotes continued on next page.)

[3] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities to H.R. 5973, which was not enacted into law, a separate page for H.R. 5973 (with an explanatory note) where the bill would normally appear, and a separate table VIII are included in this volume on pp. 193-194 and pp. 1895-1899.

[4] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 5898, which was not enacted into law, a separate page for H.R. 5898 (with an explanatory note) where the bill would normally appear, and a separate table VIII are included in this volume on p. 243 and p. 1912.

[5] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 6237, which was not enacted into law, a separate page for H.R. 6237 (with an explanatory note) where the bill would normally appear, and a separate table VIII are included in this volume on p. 165 and pp. 1887-1890.

[6] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 6329, which was not enacted into law, a separate page for H.R. 6329 (with an explanatory note) where the bill would normally appear, and a separate table VIII are included in this volume on p. 131 and pp. 1879-1881.

[7] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 5921, which was not enacted into law, a separate page for H.R. 5921 (with an explanatory note) where the bill would normally appear, and a separate table VIII are included in this volume on pp. 245-246 and pp. 1913-1916.

[8] Although new budget (obligational) authority is provided in this joint resolution (Public Law 98-473) for programs and activities in H.R. 5798, which was not enacted into law, a separate extended bill and table VIII for H.R. 5798 are included in this volume on pp. 247-271 and pp. 1917-1919.

RESCISSIONS AND DEFERRALS REPORTS

98th Congress, 2d Session - - - - - - - House Document 98-258

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS, SEPTEMBER 1, 1984

COMMUNICATION

FROM

THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

TRANSMITTING

A REPORT ON THE STATUS AS OF SEPTEMBER 1, 1984, OF 9 RESCISSION PROPOSALS AND 65 DEFERRALS CONTAINED IN THE FIRST 12 SPECIAL MESSAGES OF FISCAL YEAR 1984, PURSUANT TO PUBLIC LAW 93-344, SECTION 1014(e)

SEPTEMBER 11, 1984.—Referred to the Committee on Appropriations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1984

LETTER OF TRANSMITTAL

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 10, 1984.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

Sincerely,

DAVID A. STOCKMAN,
Director.

Enclosures.

CUMULATIVE REPORT ON
RESCISSIONS AND DEFERRALS

September 1, 1984

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of September 1, 1984 of nine rescission proposals and 65 deferrals contained in the first twelve special messages of FY 1984. These messages were transmitted to the Congress on October 3, November 17, December 14 and December 21, 1983; and January 12, February 1 and 22, March 26, May 8 and 21, June 20, and July 20, 1984.

Rescissions (Table A and Attachment A)

As of September 1, 1984, there were no rescission proposals pending before the Congress. Attachment A shows the history and status of the nine rescissions proposed by the President in 1984.

Deferrals (Table B and Attachment B)

As of September 1, 1984, $1,946.0 million in 1984 budget authority was being deferred from obligation and $10.8 million in 1984 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1984.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the Federal Registers listed below:

Vol. 48, FR p. 45730, Thursday, October 6, 1983
Vol. 48, FR p. 53060, Wednesday, November 23, 1983
Vol. 48, FR p. 56720, Thursday, December 22, 1983
Vol. 48, FR p. 57098, Tuesday, December 27, 1983
Vol. 49, FR p. 2076, Tuesday, January 17, 1984
Vol. 49, FR p. 4692, Tuesday, February 7, 1984
Vol. 49, FR p. 7342, Tuesday, February 28, 1984
Vol. 49, FR p. 13096, Monday, April 2, 1984
Vol. 49, FR p. 20234, Friday, May 11, 1984
Vol. 49, FR p. 22032, Thursday, May 24, 1984
Vol. 49, FR p. 26014, Monday, June 25, 1984
Vol. 49, FR p. 30155, Thursday, July 26, 1984

TABLE A

STATUS OF 1984 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President............................	$ 636.4
Accepted by the Congress......................................	-55.4 a/
Rejected by the Congress......................................	-581.0
Pending before the Congress......................................	$ -0-

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a/ These amounts were available for obligation between March 28 and August 22, 1984 when the Second Supplemental Appropriations Act (P.L. 98-396) was enacted.

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TABLE B

STATUS OF 1984 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President..............................	$ 7,434.5
Routine Executive releases through September 1, 1984 (OMB/ Agency Releases of $5,548.2 million and cumulative adjustments of -$86.5 million)............................	-5,461.7
Overturned by the Congress....................................	-16.0
Currently before the Congress....................................	$ 1,956.8 a/

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a/ This amount includes $10.8 million in outlays for a Department of the Treasury deferral (D84-16).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1984

As of September 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing Programs								
Payment for operation of low-income housing	R84-2		331,431	2-1-84		331,431	3-28-84	
DEPARTMENT OF THE INTERIOR								
National Park Service								
Land acquisition	R84-3		30,000	2-1-84	30,000	30,000	3-28-84	P.L. 98-396
DEPARTMENT OF LABOR								
Occupational Safety and Health Administration	R84-1		1,700	12-21-83		1,700	3-19-84	
OTHER INDEPENDENT AGENCIES								
Corporation for Public Broadcasting								
Public broadcasting fund	R84-9		20,000	2-1-84		20,000	3-28-84	
Delaware and Susquehana River Basin Commissions								
Salaries and expenses, Delaware River Basin Commission	R84-4		19	2-1-84		19	3-28-84	
Salaries and expenses, Susquehana River Basin Commission	R84-5		24	2-1-84		24	3-28-84	
Panama Canal Commission								
Operating expenses	R84-6A		17,750	2-1-84	17,750	17,750	3-28-84	P.L. 98-396
Capital outlay	R84-6B		7,625	2-1-84	7,625	7,625	3-28-84	P.L. 98-396
OFF-BUDGET FEDERAL ENTITIES								
DEPARTMENT OF AGRICULTURE								
Rural Electrification Administration								
Rural electrification and telephone revolving fund	R84-7		197,862	2-1-84		197,862	3-28-84	
Rural telephone bank	R84-8		30,000	2-1-84		30,000	3-28-84	
Rescissions, total BA			636,411		55,375	636,411		

NOTE - Amounts rescinded in the Second Supplemental Appropriations Act (P.L.98-396) on August 22, 1984 were available between the date of release and the date of enactment.

Attachment B - Status of Deferrals - Fiscal Year 1984

As of September 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 9-1-84
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	D84-1	10,000		10-3-83					10,000
International Security Assistance									
Foreign military sales credit	D84-30	1,315,000		1-12-84	-1315000				0
Economic support fund	D84-24	303,880		12-14-83					
	D84-24A		2,267,691	1-12-84	-2663571				0
	D84-60	102,000		5-8-84					10,000
Military assistance	D84-31	426,970		1-12-84	-426970				0
DEPARTMENT OF AGRICULTURE									
Soil Conservation Service									
Watershed and flood prevention operations	D84-49	8,138		2-1-84					8,138
Forest Service									
Construction	D84-37	10,814		2-1-84					10,814
Timber salvage sales	D84-2	6,211		10-3-83					
	D84-2A		9,210	1-12-84	-1950				13,471
Expenses, brush disposal	D84-3	42,674		10-3-83					
	D84-3A		12,398	1-12-84					
	D84-3B		778	5-8-84					55,850
DEPARTMENT OF COMMERCE									
International Trade Administration									
Participation in U.S. expositions	D84-32	550		1-12-84					550
National Oceanic & Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D84-4	33,600		10-3-83	-33600				0
DEPARTMENT OF DEFENSE - MILITARY									
Operation and Maintenance									
Environmental restoration, defense	D84-33	75,000		1-12-84	-75000				0
Military Construction									
Military construction, all services	D84-5	414,597		10-3-83					
	D84-5A		488,340	12-14-83	-734902			129,648	297,683
Family Housing, Defense									
Family housing, Air Force	D84-6	53,000		10-3-83					
	D84-6A		20,131	12-14-83	-73131				0
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation	D84-7	777		10-3-83					
	D84-7A		385	1-12-84					1,162
DEPARTMENT OF EDUCATION									
Office of Postsecondary Education									
Higher education	D84-38	500		2-1-84	-500				0
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Atomic energy defense activities	D84-62	1,050		6-20-84					
	D84-62A		206	7-20-84					1,256
Energy Programs									
General science and research activities	D84-63	700		6-20-84					700
Energy supply, research and development activities	D84-39	10,052		2-1-84					
	D84-39A		800	6-20-84	-1999				8,853
Uranium supply and enrichment activities	D84-8	130,000		10-3-83					130,000
Fossil energy research and development	D84-21	20,326		11-17-83	-20326				
	D84-21A		500	12-14-83					
	D84-21B		8,993	2-1-84					
	D84-21C		150	6-20-84					
	D84-21D		771	7-20-84					10,414
Fossil energy construction	D84-25	38,038	1,962	12-14-83				-26000	
	D84-25A		23,196	2-1-84					37,196
Naval petroleum and oil shale reserves	D84-40	41,500		2-1-84					
	D84-40A		50	6-20-84					41,550
Energy conservation	D84-41	10,077		2-1-84	-8577			1,218	2,718

Attachment B - Status of Deferrals - Fiscal Year 1984

As of September 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 9-1-84
Strategic petroleum reserve................	D84-26	12,707		12-14-83					
	D84-26A		256	2-1-84					
	D84-26B		92	7-20-84					13,055
Alternative fuels production...............	D84-22	13,800		11-17-83					
	D84-22A		4,300	2-1-84	-12300			712	6,512
Power Marketing Administrations									
Operation and maintenance, Southwestern Power Administration.......................	D84-42	7,000		2-1-84					
	D84-42A		60	6-20-84					
	D84-42B		41	7-20-84					7,101
Construction, rehabilitation, operation and maintenance, Western Area Power Administration..........................	D84-64	*100		6-20-84					
	D84-64A		514	7-20-84					614
Departmental Administration									
Departmental administration................	D84-43	29,053		2-1-84					
	D84-43A		375	6-20-84					
	D84-43B		6,660	7-20-84					36,088
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Centers for Disease Control									
Disease control............................	D84-27	15,560		12-14-83					15,560
National Institutes of Health									
Buildings and facilities...................	D84-65	8,006		7-20-84					8,006
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program).......	D84-9	6,463		10-3-83					
	D84-9A		571	1-12-84					7,034
Social Security Administration									
Limitation on administrative expenses (construction)............................	D84-10	10,571		10-3-83					
	D84-10A		10,490	12-21-83	-13				21,048
DEPARTMENT OF THE INTERIOR									
Minerals Management Service									
Payments for proceeds, sale of water, Mineral Leasing Act of 1920...............	D84-11	48		10-3-83					48
Bureau of Reclamation									
Construction program.......................	D84-61	8,000		5-21-84	-8000				0
Bureau of the Mines									
Mines and minerals.........................	D84-44	1,667		2-1-84					1,667
National Park Service									
Land acquisition and state assistance (contract authority)......................	D84-23	30,000		11-17-83					
	D84-23A		2,700	2-1-84				-30000	2,700
Construction (trust fund)..................	D84-50	14,000		2-22-84		-14000	98-332		0
Office of the Secretary									
Office of Water Policy.....................	D84-51	300		2-22-84	-300				0
DEPARTMENT OF JUSTICE									
Interagency Law Enforcement									
Organized crime drug enforcement...........	D84-57	272		3-26-84					272
United States emergency refugee and migration assistance fund..................	D84-12	37,928		10-3-83					
	D84-12A		192	1-12-84	-192				37,928
United States bilateral science and technology agreements......................	D84-13	2,000		10-3-83					2,000
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Railroad research and development..........	D84-53	578		2-22-84					578
Federal Aviation Administration									
Facilities, engineering and development....	D84-59	360		3-26-84					360
Construction, Washington Metropolitan Airports................................	D84-54	277		2-22-84					277

Attachment B - Status of Deferrals - Fiscal Year 1984

As of September 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 9-1-84
Federal Bureau of Investigation									
Salaries and expenses	D84-58	42,000		3-26-84					42,000
Federal Prison System									
Buildings and facilities	D84-28	22,025		12-14-83					
	D84-28A		23,752	1-12-84					45,777
Office of Justice Assistance, Research and Statistics									
Law enforcement assistance	D84-52	296		2-22-84					296
DEPARTMENT OF STATE									
International Organizations and Conferences									
Contributions to international organizations	D84-46	4,723		2-1-84					4,723
Contributions for international peacekeeping activities	D84-45	10,879		2-1-84					10,879
Facilities and equipment (airport and airway trust)	D84-14	1,083,268		10-3-83	-153063				930,205
U.S. Coast Guard									
Retired pay	D84-55	13,350		2-22-84					13,350
Maritime Administration									
Ship construction	D84-47	7,000		2-1-84					7,000
Office of the Secretary									
Transportation planning, research and development	D84-56	160		2-22-84					160
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance trust fund	D84-15	56,068		10-3-83	-3336			111	52,843
	D84-16	15,209		10-3-83	-15209			10,808	10,808
Bureau of the Mint									
Expansion and improvements	D84-29	256		12-14-83	-256				0
OTHER INDEPENDENT AGENCIES									
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund	D84-17	13,148		10-3-83					13,148
Railroad Retirement Board									
Milwaukee Railroad restructuring, administration	D84-18	85		10-3-83					
	D84-18A		147	12-14-83					232
Tennessee Valley Authority									
Tennessee Valley Authority fund	D84-19	7,000		10-3-83					7,000
	D84-48	2,192		2-1-84					2,192
United States Information Agency									
Salaries and expenses	D84-34	2,400		1-12-84					2,400
Salaries and expenses (special foreign currency program)	D84-35	2,900		1-12-84					2,900
Acquisition and construction of radio facilities	D84-36	9,645		1-12-84					9,645
United States Railway Association									
Administrative expenses	D84-20	2,050		10-3-83		-2050	98-181		0
TOTAL, DEFERRALS		4,548,798	2,885,711		-5,548,195	-16,050		86,497	1,956,761

Notes: Deferral D84-25 was reported as part of D84-21 in the second special message. In the third special message the deferral was reported separately and adjusted upward slightly.

Of the amount deferred as D84-25, $26 million was transferred to Fossil energy research and development pursuant to the 1984 Interior and Related Agencies Appropriations Act.

All of the above amounts represent budget authority except one general revenue sharing deferral (D84-16) of outlays only.

The Soil Conservation Service deferral was erroneously transmitted as D84-36 in the sixth special message. It has been renumbered as D84-49.

99th Congress, 1st Session - - - - - - - - - - - - House Document 99-15

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS JANUARY 1985

COMMUNICATION

FROM

DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY, PURSUANT TO PUBLIC LAW 93-344, SECTION 1014(e)

JANUARY 21, 1985.—Referred to the Committee on Appropriations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1985

Executive Office of the President,
Office of Management and Budget,
Washington, DC, January 9, 1985.

Hon. Thomas P. O'Neill,
Speaker of the House of Representatives,
Washington, DC.

Dear Mr. Speaker: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

Sincerely,

David A. Stockman,
Director.

Enclosures.

Identical letter sent to the President of the Senate.

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS, JANUARY 1, 1985

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1985, of 37 deferrals contained in the first three special messages of FY 1985. These messages were transmitted to the Congress on October 1, October 31, and November 29, 1984.

RESCISSIONS (TABLE A AND ATTACHMENT A)

As of January 1, 1985, there were no rescission proposals pending before the Congress.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of January 1, 1985, $9,170.3 million in 1985 budget authority was being deferred from obligation and $6.3 million in 1985 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1985.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the Federal Registers listed below:

Vol. 49, FR p. 39464, Friday, October 5, 1984.
Vol. 49, FR p. 44870, Friday, November 9, 1984.
Vol. 49, FR p. 47804, Thursday, December 6, 1984.

TABLE A.—*Status of 1985 rescissions*

[In millions of dollars]

	Amount
Rescissions proposed by the President	0
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	0

TABLE B.—*Status of 1985 deferrals*

[In millions of dollars]

	Amount
Deferrals proposed by the President	$12,207.8
Routine Executive releases through January 1, 1985 (OMB/Agency Releases of $3,031.3 million and cumulative adjustments of $0.1 million)	−3,031.1
Overturned by the Congress	0
Currently before the Congress	[1] 9,176.6

[1] This amount includes $6.3 million in outlays for a Department of the Treasury deferral (D85-13).

Attachments.

ATTACHMENT A—STATUS OF RESCISSIONS—FISCAL YEAR 1985 (AS OF JAN. 1, 1985)

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amount, previously considered by Congress	Amount currently before Congress	Date of message	Amount rescinded	Amount made available	Date made available	Congressional action
None.								

ATTACHMENT B—STATUS OF DEFERRALS—FISCAL YEAR 1985 (AS OF JAN. 1, 1985)

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amount transmitted original request	Amount transmitted subsequent change	Date of message	Cumulative OMB/agency releases	Congressionally required releases	Congressional action	Cumulative adjustments	Amount deferred as of Jan. 1, 1985
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian regional development programs	D85-1	10,000		Oct. 1, 1984					10,000
International security assistance:									
Foreign military sales credit	D85-24	4,939,500		Nov. 29, 1984	−413,000				4,526,500
Economic support fund	D85-2	280,500		Oct. 1, 1984					
	D85-2A		3,826,000	Nov. 29, 1984	−2,161,285				1,945,215
Military assistance	D85-3	18,500		Oct. 1, 1984					
	D85-3A		782,770	Nov. 29, 1984	−83,400				717,870
International military education and training	D85-25	55,521		do	−55,521				0
DEPARTMENT OF AGRICULTURE									
Forest Service:									
Timber salvage sales	D85-4	9,704		Oct. 1, 1984					9,704
Expenses, brush disposal	D85-5	55,850		do					55,850
DEPARTMENT OF DEFENSE—MILITARY									
Military construction, all services	D85-6	300,008		do					
	D85-6A		906,322	Nov. 29, 1984	−132,914				1,073,416
Family housing, all services	D85-26	230,790		do					230,790
DEPARTMENT OF DEFENSE—CIVIL									
Wildlife conservation, military reservations: Wildlife conservation	D85-7	1,127		Oct. 1, 1984	−150			135	1,112
DEPARTMENT OF ENERGY									
Energy programs:									
Fossil energy research and development	D85-27	4,871		Nov. 29, 1984					4,871
Fossil energy construction	D85-28	2,165		do					2,165
Naval petroleum and oil shale reserves	D85-29	23		do					23
Energy conservation	D85-30	3,398		do					3,398
Strategic petroleum reserve	D85-31	401		do					401
Energy security reserve and alternative production	D85-32	852		do					852

Power Marketing Administrations:								
Southeastern Power Administration, operation and maintenance	D85-16	12,467		Oct. 31, 1984				12,467
Southwestern Power Administration, operation and maintenance	D85-17	7,260		do				7,260
Western Area Power Administration, construction, rehabilitation, operation and maintenance.	D85-18	3,000		do				3,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Office of Assistant Secretary for Health: Scientific activities overseas (special foreign currency program).	D85-8	424		Oct. 1, 1984				424
Social Security Administration: Limitation on administrative expenses (construction)	D85-9	15,488		do				15,488
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management: Payments for proceeds, sale of water, Mineral Leasing Act of 1920, sec. 40(d).	D85-10	49		do				49
Bureau of Indian Affairs: Construction	D85-33	8,918		Nov. 29, 1984	−893			8,025
DEPARTMENT OF JUSTICE								
Federal Prison System: Buildings and facilities	D85-19	44,534		Oct. 31, 1984				44,534
DEPARTMENT OF LABOR								
Employment and Training Administration: State unemployment insurance and employment service operations.	D85-34	3,767		Nov. 29, 1984				3,767
Bureau of Labor Statistics: Salaries and expenses	D85-35	5,000		do				5,000
DEPARTMENT OF STATE								
Other: U.S. emergency refugee and migration assistance fund	D85-20	32,928		Oct. 31, 1984				32,928
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration: Facilities and equipment (airport and airway trust)	D85-11	537,205		Oct. 1, 1984	−163,000			374,205
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing: Local government fiscal assistance, trust fund	D85-12	55,400		do	−2,557			52,843
	D85-13	19,900		do	−13,561			6,339
GENERAL SERVICES ADMINISTRATION								
National Archives and Records Service: Operating expenses	D85-36	4,700		Nov. 29, 1984				4,700
OTHER INDEPENDENT AGENCIES								
Board for International Broadcasting: Grants and expenses	D85-21	4,408		Oct. 1, 1984				4,408
Panama Canal Commission: Operating expenses	D85-37	6,346		Nov. 29, 1984				6,346
Pennsylvania Avenue Development Corporation: Land acquisition and development fund	D85-14	14,300		Oct. 1, 1984	−5,000			9,300
Railroad Retirement Board: Milwaukee railroad restructuring, administration	D85-15	108		do				108
U.S. Information Agency:								
Salaries and expenses	D85-22	2,433		Oct. 31, 1984				2,433
Salaries and expenses, special foreign currency program	D85-23	852		do				852
Total, deferrals		6,692,696	5,515,092		−3,031,281	0	135	9,176,642

Notes: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D85-13) of outlays only.

DEFERRAL RESOLUTIONS

CLERK'S NOTE: There were no *separate* deferral resolutions acted upon by the Committees on Appropriations during the 98th Congress, 2d session. See table VIIIj on page 1953, this volume, for deferrals considered in appropriation acts, and pp. 617-624 and pp. 625-628 for status reports on rescissions and deferrals.

AGRICULTURE ACTS

Public Law 98-258
98th Congress

98 STAT. 130

An Act

To make adjustments in the commodity programs for wheat, feed grains, upland cotton, and rice, to provide agricultural credit assistance, and for other purposes.

Apr. 10, 1984
[H.R. 4072]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

Agricultural Programs Adjustment Act of 1984.
7 USC 1421 note.

TITLE I—WHEAT

TARGET PRICES

SEC. 101. Section 107B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(b)(1)(C)) is amended by striking out "$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop" and inserting in lieu thereof "and $4.38 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR WHEAT

SEC. 102. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B), (C), and (D)";

(2) adding at the end of paragraph (1) the following new subparagraphs:

"(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program, and (iii) a voluntary payment-in-kind land diversion program under which the acreage planted to wheat for harvest on the farm would be reduced by not less than 10 per centum nor more than 20 per centum of the acreage base for the farm, in addition to any reduction under the acreage limitation and land diversion programs provided for under clauses (i) and (ii), as determined by the Secretary. Under the payment-in-kind land diversion program, compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program payment yield. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of

Loans.

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wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.

"(D) For the 1985 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.";

Loans.

(3) inserting "for the 1983 crop" immediately before the comma in the eighth sentence of paragraph (5); and

Conservation.

(4) inserting immediately before the last sentence of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 and 1985 crops of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 and 1985 crops of wheat whose acreage planted to wheat for harvest on the farm for each such crop is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate for the 1984 and 1985 crops of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 and 1985 crops of wheat as soon as practicable after a producer enters into a land diversion contract with the Secretary for each such crop and in advance of any determination of performance.".

HAYING AND GRAZING DIVERTED WHEAT ACREAGE

SEC. 103. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b–1(e)) is amended by adding at the end thereof the following new paragraph:

"(8) Notwithstanding any other provision of this subsection, in carrying out acreage limitation, cash land diversion, and payment-in-kind land diversion programs for the 1984 crop of wheat, the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act for a State and subject to such terms and conditions as the Secretary may prescribe that are in no event more restrictive than those in effect for producers who participated in the payment-in-kind land diversion program for that part of the 1983 crop of wheat planted before January 11, 1983, all or any part of the acreage diverted from production under such programs by participating producers in such State to be devoted to hay and grazing.".

16 USC 590h.

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TITLE II—FEED GRAINS

TARGET PRICES

SEC. 201. Section 105B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(b)(1)(C)) is amended by striking out "$3.03 per bushel for the 1984 crop, and $3.18 per bushel for the 1985 crop" and inserting in lieu thereof "and $3.03 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

SEC. 202. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) adding at the end of paragraph (1) the following new subparagraph:

Corn.

"(C) For the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States on September 30, 1985 (not including any quantity of corn produced in the United States during calendar year 1985), will exceed one billion one hundred million bushels, the Secretary (i) shall provide for a land diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 5 per centum and (ii) may provide for an acreage limitation program as described under paragraph (2). If the Secretary implements a combined acreage limitation program and land diversion program, the total reduction required by the Secretary in the acreage planted to feed grains for harvest on the farm shall not exceed 20 per centum of the acreage base for the farm. Any reduction required by the Secretary in excess of 15 per centum of the acreage base for the farm shall be equally proportioned between an acreage limitation program and a land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such programs."; and

Loans.

(3) in paragraph (5)—

Conservation.

(A) adding immediately after the sixth sentence the following new sentence: "Notwithstanding the foregoing provisions of this paragraph, if the Secretary implements a land diversion program for the 1985 crop of feed grains under the provisions of paragraph (1)(C), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under paragraph (2), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph.";

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(B) striking out "Such payments" in the eighth sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "Diversion payments made to producers under this paragraph";

(C) in the ninth sentence (as redesignated under subparagraph (A) of this paragraph)—

(i) striking out "for corn" and inserting in lieu thereof "for the 1983 crop of corn"; and

(ii) inserting immediately before the period at the end thereof ", and at not less than $1.50 per bushel for the 1985 crop of corn"; and

(D) striking out "1983 crop" in the eleventh sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "1983 and 1985 crops".

PRICE SUPPORT TO PRODUCERS WHO CUT CORN FOR SILAGE

Loans.

SEC. 203. Section 105B(a) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary may make available loans and purchases, as provided in this subsection, to producers on a farm who cut for silage corn that they have produced of the 1984 and 1985 crops and who participate in the program provided for by the Secretary under subsection (e). Such loans and purchases may be made on a quantity of corn of the same crop, other than the corn cut for silage, acquired by the producer equivalent to a quantity determined by multiplying the acreage of corn cut for silage by the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such silage was obtained.".

TITLE III—UPLAND COTTON

TARGET PRICES

SEC. 301. Section 103(g)(3)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(3)(B)) is amended by striking out "$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop" and inserting in lieu thereof "and $0.81 per pound for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

SEC. 302. Section 103(g)(9) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(9)) is amended by—

(1) in the first sentence of subparagraph (A), inserting "except as provided in the second and third sentences of this subparagraph," immediately after the first comma;

(2) inserting immediately after the first sentence of subparagraph (A) the following new sentences: "For the 1985 crop of upland cotton, if the Secretary estimates that the quantity of

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upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed three million seven hundred thousand bales, the Secretary (i) shall provide for a land division program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not less than 5 per centum and (ii) may provide for an acreage limitation program as described under this subparagraph under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 20 per centum in addition to the reduction required under clause (i). If the Secretary implements a combined acreage limitation program and land division program, any reduction required by the Secretary in excess of 25 per centum of the acreage base for the farm shall be made under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such program."; and

Loans.

Conservation.

(3) adding at the end of subparagraph (B) the following new sentences: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland

cotton acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $0.275 per pound: *Provided,* That if the Secretary estimates that the quantity of upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed (I) four million one hundred thousand bales, such rate shall be established by the Secretary at not less than $0.30 per pound, and (II) four million seven hundred thousand bales such rate shall be established by the Secretary at not less than $0.35 per pound. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the 1985 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

Contracts with U.S.

Compliance, failure.

98 STAT. 135

TITLE IV—RICE

TARGET PRICES

SEC. 401. Section 101(i)(2)(C) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(2)(C)) is amended by striking out "$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop" and inserting in lieu thereof "and $11.90 per hundredweight for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

SEC. 402. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagraph (A) "third and fourth" and inserting in lieu thereof "third, fourth, and fifth";

(2) inserting immediately after the third sentence of subparagraph (A) the following new sentence: "For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.";

(3) striking out "1983 crop" in the fifth sentence of subparagraph (A) (as redesignated under paragraph (2) of this section) and inserting in lieu thereof "1983 and 1985 crops";

Conservation.

(4) inserting immediately after the sixth sentence of subparagraph (B) the following new sentence: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.";

(5) striking out "Such payments" in the eighth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "Diversion payments made to producers under this subparagraph";

(6) in the ninth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section)—

(A) striking out "$3.00 per hundredweight," and inserting in lieu thereof "$3.00 per hundredweight for the 1983 crop of rice,"; and

(B) inserting immediately before the period at the end thereof ", and at not less than $2.70 per hundredweight for the 1985 crop of rice: *Provided,* That if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed (I) thirty-five million hundredweight, such rate shall be established by the Secretary at not less than $3.25 per hundredweight, and (II) forty-two million five hundred thousand hundredweight, such rate shall be established by the Secretary at not less than $3.50 per hundredweight"; and

(7) striking out "1983 crop" in the tenth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "1983 and 1985 crops".

TITLE V—AGRICULTURAL EXPORTS

EXPORT ASSISTANCE

SEC. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

Presidential actions.

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

7 USC 1701, 1721, 1727.

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation (GSM-5, GSM-201, and GSM-301); and

98 STAT. 137

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for increased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

7 USC 1691 note.

EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS; ACQUISITION AND DONATION OF ULTRA-HIGH TEMPERATURE PROCESSED MILK

SEC. 502. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by—

(1) inserting "(a)" immediately after "SEC. 416.";

(2) striking out "section" each place that word appears and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof the following new subsections:

Dairy products.
Wheat.

"(b) Dairy products and wheat acquired by the Commodity Credit Corporation through price support operations, which the Secretary determines meet the criteria specified in subsection (a), may be furnished by the Secretary for carrying out title II of the Agricultural Trade Development and Assistance Act of 1954, as approved by the Secretary, and for such purposes as approved by the Secretary. The provisions of section 203 of that Act shall apply to commodities furnished under this subsection. Agreements may be entered into under this subsection to provide dairy products and wheat in installments over an extended period of time. To the maximum extent practicable, expedited procedures shall be used in implementing the provisions of this subsection. Commodities and products furnished under this subsection may be sold or bartered, as approved by the Secretary, solely as follows: (1) sales and barter which are incidental to the donation of the commodities or products, (2) sales and barter, the proceeds of which are used to finance the distribution, handling, and processing costs of the donated commodities in the importing country or other activities in the importing country that are consistent with providing food assistance to needy people, and (3) sales and barter of commodities and products donated to intergovernmental organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those organizations. Except as provided in the foregoing sentence, no portion of the proceeds or services realized from such sales or barter may be used to meet operating and overhead expenses. The cost of commodities furnished under this subsection and expenses incurred under section 203 of that Act in connection therewith shall be in addition to the level of assistance programmed under that Act and shall not be considered expenditures for international affairs and finance. Notwithstanding the foregoing provisions of this subsection, dairy products and wheat may not be made available for disposition under this subsection in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies.

7 USC 1721.

7 USC 1723.

Marketing.

98 STAT. 138

"(c) To prevent the waste of dairy products acquired by the Commodity Credit Corporation through price support operations, the Corporation, on such terms and under such regulations as the Secretary may prescribe, shall carry out a two-year pilot program under which the Corporation shall barter or exchange such dairy products, to the extent they are available, for forty thousand metric tons (consisting of twenty thousand metric tons in each year of the pilot program) of ultra-high temperature processed fluid milk. Such barter or exchange shall be effected on the basis of competitive bids submitted by domestic processors. The processed milk acquired by the Corporation under this subsection shall be available for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Corporation may pay, with respect to such processed milk donated under this subsection, transporting, handling, and other charges, including the cost of overseas delivery. Any donations under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. The pilot program shall be implemented by the Corporation as soon as practicable after the enactment of the Agricultural Programs Adjustment Act of 1984 and shall be operated for a period of two years after its implementation. Upon completion of the pilot program, the Secretary shall submit a report to Congress on its operation.".

Disadvantaged persons.

Gifts and property.

7 USC 1691 note.

Ante, p. 130.

Report.

Emergency Agricultural Credit Act of 1984.

TITLE VI—AGRICULTURAL CREDIT

SHORT TITLE

7 USC 1921 note.

SEC. 601. This title may be cited as the "Emergency Agricultural Credit Act of 1984".

NATURAL DISASTER EMERGENCY LOANS

SEC. 602. (a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by adding at the end thereof the following new sentences: "The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has found that farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974. The Secretary shall accept applications for assistance under this subtitle from persons affected by a natural disaster at any time during the eight-month period beginning (A) on the date on which the Secretary determines that farming, ranching, or aquaculture operations have been substantially affected by such natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be.".

42 USC 5121 note.

(b) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end thereof the following new sentence: "If farm assets (including land, livestock, and equipment) are used as collateral to secure a loan made under this subtitle, the Secretary shall value the assets based on the higher of (A) the value of the assets on the day before the date the governor of the State in which the farm is located requests assistance under this subtitle or the Disaster Relief Act of 1974 for any portion of such State affected by the disaster with respect to which the application for the loan is made, or (B) the value of the assets one year before such day.".

98 STAT. 139

42 USC 5121 note.

7 USC 1961 note.

(c) the amendments made by this section shall be applicable to disasters occurring after May 30, 1983.

ECONOMIC EMERGENCY LOANS

SEC. 603. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting "(a)" immediately before "The provisions"; and

(2) adding at end thereof the following new subsection:

Insurance.

"(b) With respect to the economic emergency loan program operated under this title during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary—

"(1) shall make available to eligible applicants during such period new contracts of insurance totaling, in the aggregate, $310,000,000, and

"(2) as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees, may make available to eligible applicants during such period additional new contracts of insurance totaling, in the aggregate, not more than $290,000,000.".

OPERATING LOANS

SEC. 604. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, inserting "(or, in the case of loans for farm operating purposes, fifteen years)" after "seven years"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331B of this title, the interest rate".

Infra.

FARM LOAN INTEREST RATES

SEC. 605. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by inserting after section 331A the following new section:

7 USC 1981b.
7 USC 1922, 1941.
7 USC 1961.

"SEC. 331B. Any loan for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, or disaster emergency purposes under subtitle C of this title, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized under this title shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

CONFLICTS OF INTEREST

SEC. 606. Section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended by—

(1) designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) inserting after subsection (a) (as designated under clause (a) of this section) the following new subsection:

"(b) Except as otherwise provided in this subsection, no officer or employee of the Department of Agriculture who acts on or reviews an application made by any person under this title for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of three years after the date on which such action is taken or such review is made. This prohibition shall not apply to a former member of a county committee provided for in

7 USC 1982.

section 332 of this title upon a determination by the Secretary, prior to the acquisition of such interest, that such former member acted in good faith when acting on or reviewing such application.".

LIMITED RESOURCE BORROWERS

SEC. 607. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof the following new subsection:

7 USC 1922.
7 USC 1941.

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

Ante, p. 138.

"(2) The Secretary shall provide notification to farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1984 and in the normal course of loan making and loan servicing operations, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.".

AMORTIZATION OF DELINQUENT FARMERS HOME ADMINISTRATION LOANS

7 USC 1981 note.

98 STAT. 141

Report.

SEC. 608. Notwithstanding any other provision of law, the Secretary of Agriculture may develop and implement a program for the amortization of delinquent Farmers Home Administration loans from future revenues generated by timber crops planted and managed on lands previously used to produce commodities or pasture and subject to Farmers Home Administration liens. The Secretary shall submit a report to Congress by October 1, 1984, outlining the feasibility of such program and the plan for its implementation.

Approved April 10, 1984.

LEGISLATIVE HISTORY—H.R. 4072:

HOUSE REPORT No. 98-646 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 16, considered and passed House.
Vol. 130 (1984): Mar. 20, 21, 22, considered and passed Senate, amended.
Apr. 2, Senate agreed to conference report.
Apr. 3, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 15 (1984):
Apr. 10, Presidential statement.

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98 STAT. 165

Public Law 98-273
98th Congress

An Act

May 7, 1984
[H.R. 3867]

To amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of the unpaid seller, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e) is amended by adding at the end thereof a new subsection to read as follows:

Commerce and trade.

"(c)(1) It is hereby found that a burden on commerce in perishable agricultural commodities is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased, contracted to be purchased, or otherwise handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of food or other products derived from such commodities, and any receivables or proceeds from the sale of such commodities or products, and that such arrangements are contrary to the public interest. This subsection is intended to remedy such burden on commerce in perishable agricultural commodities and to protect the public interest.

"(2) Perishable agricultural commodities received by a commission merchant, dealer, or broker in all transactions, and all inventories of food or other products derived from perishable agricultural commodities, and any receivables or proceeds from the sale of such commodities or products, shall be held by such commission merchant, dealer, or broker in trust for the benefit of all unpaid suppliers or sellers of such commodities or agents involved in the transaction, until full payment of the sums owing in connection with such transactions has been received by such unpaid suppliers, sellers, or agents. Payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which is dishonored. The provisions of this subsection shall not apply to transactions between a cooperative association (as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), and its members.

"(3) The unpaid supplier, seller, or agent shall lose the benefits of such trust unless such person has given written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary within thirty calendar days (i) after expiration of the time prescribed by which payment must be made, as set forth in regulations issued by the Secretary, (ii) after expiration of such other time by which payment must be made, as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. When the parties expressly agree to a payment time period different from that established by the Secretary, a copy of any such agreement shall be filed in the records of each party to the transaction and the terms of payment shall be disclosed on invoices, accountings, and other documents relating to the transaction.

98 STAT. 166

Courts.

"(4) The several district courts of the United States are vested with jurisdiction specifically to entertain (i) actions by trust beneficiaries to enforce payment from the trust, and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.".

SEC. 2. Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(4)) is amended by adding after the semicolon at the end of the paragraph "or to fail to maintain the trust as required under section 5(c);".

Approved May 7, 1984.

LEGISLATIVE HISTORY--H.R. 3867:

HOUSE REPORT No. 98-543 (Comm. on Agriculture).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 15, considered and passed House.
Vol. 130 (1984): Apr. 12, considered and passed Senate.

98 STAT. 181

Public Law 98-284
98th Congress

An Act

May 16, 1984
[H.R. 2733]

To extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

7 USC 178 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Native Latex Commercialization and Economic Development Act of 1978 (hereinafter referred to as "the Act") is amended to read as follows: "That this Act may be cited as the 'Critical Agricultural Materials Act'.".

7 USC 178.

SEC. 2. Section 2 of the Act is amended—

(1) by inserting "(1)" after "SEC. 2. (a)";

(2) by redesignating subsections (b) through (e) as paragraphs (2) through (5); and

(3) by striking out paragraph (5) (as so redesignated) and inserting in lieu thereof the following:

"(5) Congress further recognizes that ongoing research into the development and commercialization of native latex has been conducted by the Department of Agriculture, the Department of Commerce, the National Science Foundation, and other public as well as private and industrial research groups, and that these research efforts should be continued and expanded."; and

(4) by striking out subsection (f) and inserting in lieu thereof the following:

"(b) In addition, Congress recognizes that the development of a domestic industry or industries for the production and manufacture from native agricultural crops of products other than rubber which are of strategic and industrial importance but for which the Nation is now dependent upon foreign sources, would benefit the economy, the defense, and the general well-being of the Nation, and that additional research efforts in this area should be undertaken or continued and expanded.

Hydrocarbon-containing plants.

"(c) It is therefore the policy of the United States to provide for the development and demonstration of economically feasible means of culturing and manufacturing Parthenium and other hydrocarbon-containing plants, along with other native agricultural crops, for the production of critical agricultural materials to benefit the Nation and promote economic development.".

7 USC 178a.

SEC. 3. (a) Section 3(d) of the Act is amended to read as follows:

"(d) The term 'native' means hydrocarbon-containing plants and other agricultural crops of strategic and industrial importance which may be cultured in North America, especially plants which are members of the genus Parthenium known as Guayule."; and

(b) Section 3 of the Act is further amended by striking out subsection (e).

7 USC 178b.

SEC. 4. (a) Section 4(a) of the Act is amended by striking out "Guayule Research and Commercialization" and inserting in lieu thereof "Research and Development of Critical Agricultural Materials".

98 STAT. 182

7 USC 178b.

(b) Section 4(b) of the Act is amended to read as follows:

"(b) The Joint Commission shall consist of the following members: Three individuals designated by the Secretary of Agriculture from among the staff of the Department of Agriculture; three individuals designated by the Secretary of Commerce from among the staff of the Department of Commerce; a representative of the Bureau of Indian Affairs of the Department of the Interior; a representative of the National Science Foundation; a representative of the Department of State; a representative of the Department of Defense; and a representative of the Federal Emergency Management Agency. Each of the members of the Joint Commission shall be an individual who, on behalf of the Department or agency which such individual represents, is engaged in the support of research, development, demonstration, and commercialization activities involving native latex and the production of other critical agricultural materials from native agricultural crops.".

(c) Section 4(c) of the Act is amended to read as follows:

"(c) The Joint Commission shall be headed by a Chairman who shall be selected by the Secretary of Agriculture from among the three individuals designated by the Secretary as members under subsection (b).".

(d) Section 4(h) of the Act is amended by striking out "rubber manufacturing and commerce" and inserting in lieu thereof "manufacturing and commerce involving rubber and other critical agricultural materials".

SEC. 5. Section 5 of the Act is amended— 7 USC 178c.

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(a) The Department of Agriculture shall be the lead agency in carrying out this Act.

"(b) The Secretary of Agriculture shall conduct, sponsor, promote, and coordinate basic and applied research, technology development, and technology transfer leading to effective and economical methods for large-scale culturing of plantations and the extraction of latex from Parthenium or other hydrocarbon-containing plants, and for the development of other critical agricultural materials from native agricultural crops having strategic and industrial importance.";

(2) by redesignating clauses (a) through (h) in the second sentence as paragraphs (1) through (8), respectively;

(3) by striking out paragraph (3) (as so redesignated) and inserting in lieu thereof the following:

"(3) accelerating present plant breeding, genetics, and selection programs for the purpose of improving and increasing latex yields, expanding insect and disease resistance, broadening the ranges of drought and cold resistance of the Parthenium plant, and providing a system of regional research trials for enhancing and increasing the supply of foundation seed for certified seed production;";

(4) by striking out paragraph (4) (as so redesignated) and inserting in lieu thereof the following:

"(4) establishing a system of large-scale experimental plantings (aggregating ten thousand acres or more) to provide shrub for feedstock to process in the developmental rubber processing facility described in paragraph (7);";

(5) by striking out paragraph (7) (as so redesignated) and inserting in lieu thereof the following:

"(7) accelerating the refinement of present extraction and processing technologies and future extraction technologies, including the development and construction of a developmental rubber processing facility for the extraction and production of test quantities of guayule natural rubber;";

(6) by striking out the period at the end of paragraph (8) (as so redesignated) and inserting in lieu thereof "; and";

(7) by adding after paragraph (8) (as so redesignated) the following new paragraph:

"(9) studying the economic feasibility of developing other native agricultural crops (in addition to Parthenium and other hydrocarbon-containing plants) that would supply critical agricultural materials for strategic and industrial purposes, and, to the extent appropriate, carrying out research activities with respect to such crops in the manner specified in paragraphs (1) through (8)."; and

(8) by adding at the end thereof the following new subsection:

Office of Critical Agricultural Materials.

"(c) The Secretary of Agriculture shall establish within the Department of Agriculture an Office of Critical Agricultural Materials, as a central location where such Department can address research and development with respect to agricultural crops that have the potential of producing critical materials for strategic and industrial purposes.".

7 USC 178d. SEC. 6. Section 6 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "or the manufacture and commercialization of other critical agricultural materials from native agricultural crops having strategic and industrial importance";

(2) by striking out "may be carried out through the Regional Commissions or otherwise and" in the second sentence;

(3) by striking out "and" at the end of clause (e);

(4) by striking out the period at the end of clause (f) and inserting in lieu thereof "; and"; and

(5) by adding after clause (f) the following new clause:

"(g) to the extent appropriate, carrying out research activities with respect to native agricultural crops (other than Parthenium and other hydrocarbon-containing plants) that would supply critical agricultural materials for strategic and industrial purposes, in the manner specified in clauses (a) through (f).".

7 USC 178e. SEC. 7. Section 7 of the Act is amended—

(1) by inserting ", the Government of Australia, and the Government of Israel" after "Mexico"; and

(2) by striking out "latex extraction and processing" and inserting in lieu thereof "extraction and processing of latex and other critical agricultural materials produced in the United States".

7 USC 178f. SEC. 8. Section 8 of the Act is amended by inserting before the period at the end thereof the following: "or to other critical agricultural materials".

7 USC 178g. SEC. 9. Section 9 of the Act is amended—

(1) by inserting "or the culture of other native agricultural crops which could supply critical agricultural materials" before the semicolon in clause (h); and

(2) by inserting "or the technology of other native agricultural crops which could supply critical agricultural materials" before the semicolon in clause (i).

7 USC 178h. SEC. 10. Section 10 of the Act is amended—

(1) by striking out "the provisions of this section" and inserting in lieu thereof "the provisions of this Act";

(2) by striking out ", acting through the Regional Commissions or otherwise,";

(3) by inserting "having expertise in native agricultural crops which could supply critical agricultural materials" after "personnel" in clause (b); and

(4) by striking out "natural rubber manufacture" in clause (f) and inserting in lieu thereof "the activities authorized by this Act".

7 USC 178i. SEC. 11. Section 11 of the Act is amended—

(1) by striking out "shall insure that their activities are closely coordinated with the activities of other Federal agencies" and inserting in lieu thereof "shall cooperate with each other in the conduct of their activities under this Act, and shall insure that their activities under this Act are closely coordinated with the activities of other Federal agencies";

(2) by inserting "Department of State," after "Department of Energy,"; and

(3) by striking out "Federal Preparedness Agency, and others" and inserting in lieu thereof "Federal Emergency Management Agency, and others,".

7 USC 178k. SEC. 12. Section 13 of the Act is amended—

(1) by striking out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries";

(2) by inserting after "byproducts" the following: ", as well as products, other than rubber, developed from agricultural crops which are of strategic and industrial importance,"; and

(3) by inserting after the first sentence the following new sentence: "Dispositions under this section may include sales of

the materials involved to other Federal departments and agencies for testing purposes.".

Sec. 13. Section 14 of the Act is amended by striking out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries". 7 USC 178*l*.

Sec. 14. Section 15 of the Act is amended— 7 USC 178m.

(1) by striking out "The Secretary of Agriculture and the Secretary of Commerce" and inserting in lieu thereof "The Secretaries"; and

(2) by striking out "1982" and inserting in lieu thereof "1987".

Sec. 15. (a) Section 16(a) of the Act is amended by striking out "and" where it appears after "1981," and by inserting after "1983," the following: "$5,000,000 for the fiscal year ending September 30, 1984, $5,500,000 for the fiscal year ending September 30, 1985, $6,500,000 for the fiscal year ending September 30, 1986, $7,500,000 for the fiscal year ending September 30, 1987, and $8,000,000 for the fiscal year ending September 30, 1988,". Appropriation authorizations. 7 USC 178n.

(b) Section 16(b) of the Act is amended by striking out "and" where it appears after "1981," and by inserting after "1983," the following: "$2,500,000 for the fiscal year ending September 30, 1984, $3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987, and $4,500,000 for the fiscal year ending September 30, 1988,".

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(c) Section 16 of the Act is further amended by adding at the end thereof the following new subsection: 7 USC 178n.

"(e) Notwithstanding any other provision of this Act, the Secretaries and the Joint Commission shall limit their activities under this Act to critical agricultural materials other than native latex after the close of the fiscal year ending September 30, 1988.".

Approved May 16, 1984.

LEGISLATIVE HISTORY—H.R. 2733:

HOUSE REPORTS: No. 98-109, Pt. 1 (Comm. on Agriculture) and Pt. 2 (Comm. on Science and Technology).
SENATE REPORT No. 98-164 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD:
Vol. 129 (1983): May 17, considered and passed House.
Vol. 130 (1984): May 1, considered and passed Senate.

Public Law 98-412
98th Congress

98 STAT. 1576

Joint Resolution

To amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

Aug. 30, 1984
[H.J. Res. 600]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title XII of the Agriculture and Food Act of 1981 is amended by inserting after subtitle B a new subtitle C as follows: Agricultural Trade and Export Policy Commission Act.

"Subtitle C—Agricultural Trade and Export Policy Commission Act

"SHORT TITLE

"Sec. 1217. This subtitle may be cited as the 'Agricultural Trade and Export Policy Commission Act'. 7 USC 1691 note.

"FINDINGS AND DECLARATION OF POLICY

7 USC 1691 note.

"SEC. 1218. (a) Congress finds that—

"(1) the economic well-being of the Nation's agricultural industry is directly related to its ability to compete in international markets; and

"(2) a thorough examination of agriculture-related trade and export policies, programs, and practices of the United States is needed to ensure that such policies, programs, and practices increase the competitiveness of United States agricultural commodities and products in international markets.

"(b) It is hereby declared to be the policy of Congress to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports.

"ESTABLISHMENT

National Commission on Agricultural Trade and Export Policy, establishment. 7 USC 1291 note. President of U.S.

"SEC. 1219. (a) There is established a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies, programs, and practices of the United States.

"(b) In addition to the ex officio congressional members specified in subsection (c) of this section, the Commission shall be composed of twenty-three members appointed or designated by the President and selected as follows:

"(1) The President shall select three members from among officers or employees of the Executive branch who shall serve in an ex officio capacity without voting rights; and

"(2) The President pro tempore of the Senate and the Speaker of the House of Representatives shall each select ten members from among private citizens of the United States to represent industries that are directly affected by agriculture-related trade and export policies, programs, and practices of the United States, including, but not limited to, the following:

"(A) producers of major agricultural commodities in the United States;

"(B) processors or refiners of United States agricultural commodities;

"(C) exporters, transporters, or shippers of United States agricultural commodities and products to foreign countries;

"(D) suppliers of production equipment or materials to United States farmers;

"(E) providers of financing or credit for domestic and export agricultural purposes; and

"(F) organizations representing general farm and rural interests in the United States.

"(c) The chairmen and ranking minority members of the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House Committee on Ways and Means, and the Senate Committee on Finance shall serve as ex officio members of the Commission and shall have the same voting rights as the members of the Commission selected and appointed under the provisions of subsection (b)(2) of this section. The chairmen and ranking minority members may designate other members of their respective committees to serve in their stead as members of the Commission.

"(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(e) The Commission shall elect a chairman from among the members of the Commission who are selected and appointed under the provisions of subsection (b)(2) of this section.

"(f) The Commission shall meet at the call of the chairman or a majority of the Commission.

"CONDUCT OF STUDY

"SEC. 1220. The Commission shall study the agriculture-related trade and export policies, programs, and practices of the United States and the international and domestic factors affecting such policies, programs, and practices, including the intergovernmental activities of the United States that affect the formulation of policies. In conducting the study, the Commission shall consider, among other things, the following: 7 USC 1691 note.

"(1) the effectiveness of existing agricultural export assistance programs, and the manner in which they can be improved;

"(2) new export assistance programs that should be considered, and the conditions under which they can be implemented;

"(3) practices of foreign countries that impede the export of United States agricultural commodities and products, and appropriate responses for the United States;

"(4) the effectiveness of the trade agreements program of the United States with respect to agriculture-related trade and exports, and the manner in which it can be improved;

"(5) international economic trends that affect agricultural exports, and the manner in which the United States can best adjust its policies, programs, and practices to meet changing economic conditions;

98 STAT. 1578

"(6) potential areas of conflict and compatibility between international agricultural trade and foreign food assistance programs, and the manner in which any conflict can be resolved; and

"(7) the relationship between international agricultural trade and foreign economic development and food programs, and the manner in which they can be made more compatible.

"RECOMMENDATIONS AND REPORTS

"SEC. 1221. (a) On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President and Congress with respect to the agriculture-related trade and export policies, programs, and practices of the United States, and the manner in which such policies, programs, and practices can be improved to better develop, maintain, and expand markets for United States agricultural exports. 7 USC 1691 note.

"(b) The Commission shall submit to the President and Congress—

"(1) a report containing its initial findings and recommendations by March 31, 1985,

"(2) such additional interim reports on its work as may be requested by the chairman of any of the Committees set forth in section 1219(c) of this subtitle, and

"(3) a report containing the final results of its study and its recommendations therefrom by July 1, 1986.

"ADMINISTRATION

"SEC. 1222. (a) The heads of Executive agencies, the General Accounting Office, the International Trade Commission, and the Congressional Budget Office shall, to the extent permitted by law, provide the Commission such information as it may require in carrying out its duties and functions. 7 USC 1691 note.

"(b) Members of the Commission shall serve without any additional compensation for work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service under sections 5701 through 5707 of title 5, United States Code.

"(c) To the extent there are sufficient funds available to the Commission in advance under section 1223 of this subtitle, and subject to such rules as may be adopted by the Commission, the

5 USC 5101 *et seq.*, 5331.

chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

"(1) appoint and fix the compensation of a director; and

"(2) appoint and fix the compensation of such additional staff personnel as the Commission determines necessary to carry out its duties and functions.

"(d) Upon request of the Commission, the Secretary of Agriculture shall furnish the Commission with such personnel and support services as are necessary to assist the Commission in carrying out its duties and functions.

98 STAT. 1579

"(e) Upon request of the Commission, the heads of other Executive agencies and the General Accounting Office are each authorized to furnish the Commission with such personnel and support services as the head of the agency or office and the chairman of the Commission agree are necessary to assist the Commission in carrying out its duties and functions.

"(f) The Commission shall not be required to pay or reimburse any agency or office for personnel and support services provided under this section.

5 USC app.

"(g) In accordance with section 12 of the Federal Advisory Committee Act, the Secretary of Agriculture shall maintain such financial records as will fully disclose the disposition of any funds that may be at the disposal of the Commission and the nature and extent of its activities, and the Comptroller General of the United States, or any of the Comptroller General's authorized representatives, shall have access to such records for the purpose of audit and examination.

5 USC app.

"(h) The Commission shall be exempt from section 7(d), section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act.

"(i) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5, United States Code.

"PUBLIC SUPPORT

7 USC 1691 note.

"SEC. 1223. (a) Following the appointment or designation of the members of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, the Secretary of Agriculture may receive, from persons, corporations, foundations, and all other groups and entities within the United States, contributions of money and services to assist the Commission in carrying out its duties and functions. Any money contributed under this section shall be available to the Commission for the payment of salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle. In no event may the contributions from any one person, corporation, foundation, or other group or entity exceed 5 per centum of the Commission's total budget.

"(b) If the contributions provided under subsection (a) are insufficient for payment of Commission salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle, the Secretary of Agriculture is authorized to use the funds of the Commodity Credit Corporation for such purposes in an amount not to exceed a total of $1,000,000.

98 STAT. 1580

Public availability.

"(c) The Secretary of Agriculture shall keep, and shall make available for public inspection during normal business hours, records that fully disclose a complete list of every person, group, and entity making a contribution under this section, the address of the contributor, the amount and type of each such contribution, and the date the contribution was made.

"(d) Any amount of money available to the Commission under this section that remains unobligated upon termination of the Commission shall be deposited in the Treasury as miscellaneous receipts.

"TERMINATION

"Sec. 1224. The Commission shall terminate sixty days after the transmission of its final report to the President and Congress.". 7 USC 1691 note.

Approved August 30, 1984.

LEGISLATIVE HISTORY—H.J. Res. 600 (H. Con. Res. 349):

HOUSE REPORT No. 98-956, Pt. 1 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Aug. 6, considered and passed House.
Aug. 10, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 35 (1984):
Aug. 30, Presidential statement.

Public Law 98-571
98th Congress

98 STAT. 2943

An Act

To direct the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately thirty-one thousand acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend project, Louisiana and Texas, and for other purposes.

Oct. 30, 1984
[H.R. 3150]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public lands. National Forest System.

Section 1. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall convey, in exchange for the land and other consideration specified in section 2, to the Sabine River Authority of Texas lands owned by the United States in the Sabine National Forest in and adjacent to the Toledo Bend Reservoir, located in Louisiana and Texas, as generally depicted on a map dated August 1984 on file in the office of the Chief, Forest Service, United States Department of Agriculture, as follows:

(a) approximately thirty-one thousand acres of such lands which are inundated and below an elevation of one hundred and seventy-two feet mean sea level;

(b) that portion of Recreational Site No. 5 consisting of approximately eleven acres of such lands, not subject to inundation, which are heavily developed for recreational use and lie above one hundred and seventy-five feet mean sea level; and

(c) approximately one hundred and seven acres of such lands in the flood plain which are at an elevation of one hundred and seventy-two feet mean sea level or higher but not higher than one hundred and seventy-five feet mean sea level and which after the conveyance of lands described in clauses (a) and (b) of this section would no longer be immediately adjacent to land owned by the United States in the Sabine National Forest.

Sec. 2. In exchange for the conveyance of those lands described in section 1, the Sabine River Authority of Texas shall (a) convey, by quitclaim deed, to the United States those lands in the flood plain comprising approximately five hundred and eighty-six acres, as generally depicted on a map dated August 1984 on file in the office of the Chief, Forest Service, United States Department of Agriculture, which are at an elevation of one hundred and seventy-two feet mean sea level or higher but not higher than one hundred and seventy-five feet mean sea level and which lie on the shoreline of the Toledo Bend Reservoir and are immediately adjacent to land owned by the United States in the Sabine National Forest and (b) deposit with the Secretary the sum of $650,000.

98 STAT. 2944

Petroleum and petroleum products.

Sec. 3. In the deed of exchange for the lands described in section 1, the Secretary of Agriculture shall convey all right, title, and interest to such lands except that the Secretary shall reserve for the United

States any subsurface rights that it owns, including, but not limited to, oil and gas, and shall provide that title in the lands described in section 1(a) shall revest in the United States upon failure by the Sabine River Authority of Texas to use the lands for project purposes. Any lands so revested in the United States shall be included in and shall resume their previous status as National Forest System lands.

Sec. 4. (a) The Federal Energy Regulatory Commission shall waive the charges required to be paid under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) for the use of any interest of the United States in lands described in section 1 which are part of the Toledo Bend Project (Federal Energy Commission licensed Project No. 2305) if, after the date of the enactment of this Act, the Commission determines (pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)) that—

(1) such interest in lands will be conveyed pursuant to this Act by the United States directly to the licensee for that project (subject to any restrictions and reservations established by the Commission pursuant to such section 24),

(2) the Federal agency conveying such interest in lands has notified the Commission that, upon such conveyance, the United States will have received the fair market value established by section 2 for such conveyance, and

(3) such fair market value includes the full value of the waiver authorized under this section during the remaining term of the license, as determined by the Commission after taking into account prior determinations by the Commission pursuant to Opinion No. 78 of the Commission dated March 18, 1980, that the payment of such license fees are subject to annual waiver pursuant to the second proviso of such section 10(e) to the extent that power generated, transmitted, or distributed by the project is sold to the public without profit and any such similar waivers reasonably anticipated by the Commission during such remaining term.

(b) If the Federal Energy Regulatory Commission does not determine, under subsection (a)(3), that the fair market value established in section 2 includes the full value of the waiver authorized under subsection (a)(3), conveyances otherwise required in sections 1 and 2 of this Act shall not be made.

98 STAT. 2945

Sec. 5. The exchange provided for under this Act shall be considered an exchange under the Act of December 4, 1967, as amended (16 U.S.C. 484a), notwithstanding the acreages involved, and the sums deposited with the Secretary of Agriculture under section 2 shall be handled in the same manner as sums deposited with the Secretary under that Act.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 3150:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 2, considered and passed House.
Oct. 10, considered and passed Senate.

BUDGET/RECONCILIATION ACTS

Public Law 98-270
98th Congress

98 STAT. 157

An Act

To provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1984.

Apr. 18, 1984
[H.R. 4169]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Budget Reconciliation Act of 1983.

TITLE I—SHORT TITLE AND DECLARATION OF PURPOSE

SHORT TITLE

Sec. 101. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1983".

PURPOSE

Sec. 102. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives pursuant to directions contained in section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1984 (H. Con. Res. 91, 98th Congress), and pursuant to the reconciliation requirements which were set forth by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

2 USC 641.

TITLE II—COMMITTEE ON POST OFFICE AND CIVIL SERVICE

COST-OF-LIVING ADJUSTMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM

Sec. 201. (a) Subsections (a) and (b) of section 8340 of title 5, United States Code, are amended to read as follows:

"(a) For the purpose of this section—

"(1) the term 'base quarter', as used with respect to a year, means the calendar quarter ending on September 30, of such year; and

"(2) the price index for a base quarter is the arithmetical mean of such index for the 3 months comprising such quarter.

"(b) Except as provided in subsection (c) of this section, effective December 1 of each year, each annuity payable from the Fund having a commencing date not later than such December 1 shall be increased by the percent change in the price index for the base quarter of such year over the price index for the base quarter of the preceding year in which an adjustment under this subsection was made, adjusted to the nearest 1/10 of 1 percent.".

Effective date.
5 USC 8340 note.

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, except that no adjustment under section 8340(b) of title 5, United States Code (as amended by such subsection), shall be made during the period beginning on the date of the enactment of this Act and ending November 30, 1984.

(2)(A) For purposes of the first adjustment under section 8340(b) of title 5, United States Code (as amended by subsection (a)), the base quarter ending September 30, 1983, shall be considered to have been a base quarter in which an adjustment under such section (as so amended) was made.

98 STAT. 158

(B) As used in subparagraph (A), the term "base quarter" has the meaning given such term by section 8340(a)(1) of title 5, United States Code (as amended by subsection (a)).

5 USC 8340 note. (c)(1) Section 301(a)(3) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out "(as determined by the Office of Personnel Management on the basis of the calendar year ending in such year)" and inserting in lieu thereof "(as determined by the Office of Personnel Management under section 8340(b) of title 5, United States Code)".

5 USC 8340 note. (2) Section 301(b) of the Omnibus Budget Reconciliation Act of 1982 is hereby repealed.

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES

5 USC 5305 note. 5 USC 5332. SEC. 202. (a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1984, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems, shall be an increase of 4 percent.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1 of such fiscal year.

5 USC 5343 note. (b)(1) Notwithstanding any other provision of law, in the case of a prevailing rate employee described in section 5342(a)(2) of title 5, United States Code, or an employee covered by section 5348 of such title—

5 USC 5343 note. (A) any increase in the rate of pay payable to such employee which would result from the expiration of the limitation contained in section 107(a) of Public Law 97-377 (96 Stat. 1909) shall not take effect; and

5 USC 5341. (B) any adjustment under subchapter IV of chapter 53 of such title to any wage schedule or rate applicable to such employee which results from a wage survey and which is to become effective during the fiscal year beginning October 1, 1983, shall not exceed the amount which is 4 percent above the schedule or rate payable on September 30, 1983 (determined with regard to the limitation contained in section 107(a) of Public Law 97-377), and shall not be effective with respect to any pay period commencing before January 1 of such fiscal year.

5 USC 5343 notes. (2) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of paragraph (1) shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of paragraph (1) shall not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of the enactment of this Act.

(3) The provisions of paragraph (1) shall not apply with respect to wage adjustments for prevailing rate supervisors under the supervisory pay plan published in the Federal Register on May 21, 1982 (47 Fed. Reg. 22100).

98 STAT. 159

TITLE III—COMMITTEE ON SMALL BUSINESS

Disaster assistance. Loans. 15 USC 636. SEC. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) and (b)(2) on account of a disaster commencing on or after October 1, 1982, shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loan plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in the private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date of the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing.

15 USC 636.

98 STAT. 160

15 USC 636.

With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

SEC. 302. Section 20 of the Small Business Act is amended as follows: 15 USC 631 note.

(1) by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $500,000,000 in direct loans."; and 15 USC 636.

(2) by adding the following new subsection:

"(t) For each of fiscal years 1985 and 1986, for the programs authorized by sections 7(b)(1) and 7(b)(2) the Administration is authorized to make $500,000,000 in direct loans and for each of such years for the programs authorized by sections 7(b)(3) and 7(b)(4) the Administration also is authorized to make $100,000,000 in direct loans.".

15 USC 647.

SEC. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1986".

15 USC 636.

SEC. 304. Section 7(b) of the Small Business Act is amended as follows:

(1) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon; and

Disaster assistance. Loans.

(2) by adding after paragraph (3) the following new paragraph:

"(4) To make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance all or part of the existing indebtedness (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), of any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Administration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of disaster loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No disaster loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.".

98 STAT. 161

Payment deferral.

15 USC 631 note.

SEC. 305. Section 20(q) of the Small Business Act is amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

15 USC 633.

SEC. 306. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

15 USC 636 note.

SEC. 307. The amendments made by sections 304 and 305 of this title shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

15 USC 636.

SEC. 308. Section 7(b)(3) of the Small Business Act is amended as follows:

(1) by inserting "continuation of," after "in effecting"; and

(2) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action; and".

Employment and unemployment. *Ante*, p. 159.

SEC. 309. Section 7(c)(6) of the Small Business Act is further amended by adding the following at the end of the second proviso: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for nonprofit applicants owning such premises.".

Agricultural cooperative. 15 USC 632. 15 USC 636.

SEC. 310. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agricultural Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business concerns. In determining such size, the Administration shall regard the association as an entity and shall not include the income or employees of any member shareholder of such cooperative: *Provided*, That such an association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.”..

15 USC 636.

SEC. 311. Section 7(b)(2) of the Small Business Act is amended as follows:

(1) by striking “small business concern” and inserting in lieu thereof “small business concern or small agricultural cooperative”;

(2) by striking “small business concerns” and inserting in lieu thereof “small business concerns or small agricultural cooperatives”; and

(3) by striking “the concern” and inserting in lieu thereof “the concern or the cooperative”.

15 USC 632 note.

SEC. 312. The amendments made by sections 310 and 311 of this title shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2) (A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

15 USC 636.

15 USC 636.

Effective date.

15 USC 632 note.

SEC. 313. This title shall take effect October 1, 1983.

98 STAT. 162

TITLE IV—ADDITIONAL PROPOSAL FOR DEFICIT REDUCTION

FINDINGS

SEC. 401. The Congress finds and declares that—

(1) current projections indicate that the Federal Government's budget deficits will continue at unacceptably high levels for the foreseeable future;

(2) these high deficits can place upward pressure on interest rates, reduce investment, raise the trade deficit, decrease employment, and threaten the vitality of economic recovery; and

(3) reduction of these unacceptably high deficits requires a comprehensive plan to slow the growth of Federal spending, including military and entitlement spending, and to increase revenues.

DOMESTIC ECONOMIC SUMMIT CONFERENCE TO REDUCE THE BUDGET DEFICIT

SEC. 402. (a) The President shall convene a domestic economic summit conference to address the dangerous economic situation created by these projected large deficits.

(b) The summit conference shall consist of the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority leaders and minority leaders of the House of Representatives and Senate, and other appropriate participants from the Congress and the executive branch responsible for the development of economic policy.

Report.

(c) No later than forty-five days after the date of the enactment of this Act, this summit conference shall develop and report to Con-

gress a comprehensive plan to reduce the projected deficits in the Budget of the United States.

Approved April 18, 1984.

LEGISLATIVE HISTORY—H R. 4169 (S. 2062):

HOUSE REPORT No. 98-425 (Comm. on the Budget).
SENATE REPORT No. 98-300 accompanying S. 2062 (Comm. on the Budget).
CONGRESSIONAL RECORD:
  Vol. 129 (1983): Oct. 25, considered and passed House.
  Vol. 130 (1984): Apr. 5, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 16 (1984):
  Apr. 18, Presidential statement.

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98 STAT. 494

Public Law 98-369
98th Congress

An Act

July 18, 1984
[H.R. 4170]

To provide for tax reform, and for deficit reduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deficit Reduction Act of 1984.
26 USC 1 note.

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Deficit Reduction Act of 1984".

(b) Act Divided Into 2 Divisions.—This Act consists of 2 divisions as follows:

(1) Division A.—Tax Reform Act of 1984.
(2) Division B.—Spending Reduction Act of 1984.

Tax Reform Act of 1984.
26 USC 1 note.

DIVISION A—TAX REFORM ACT OF 1984

SEC. 5. SHORT TITLE; ETC.

(a) Short Title.—This division may be cited as the "Tax Reform Act of 1984".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

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LEGISLATIVE HISTORY—H.R. 4170 (H.R. 2163):

HOUSE REPORTS: No. 98-432 and Pt. 2 (Comm. on Ways and Means), No. 98-133 accompanying H.R. 2163, Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on Ways and Means), and No. 98-861 (Comm. of Conference).
SENATE REPORT No. 98-312 accompanying H.R. 2163 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 129 (1983): July 12, H.R. 2163 considered and passed House.
Vol. 130 (1984): Apr. 5, 9-12, 24-26, 30, May 1-3, 8-11, 14-17, H.R. 2163 considered in Senate.
Apr. 11, H.R. 4170 considered and passed House.
May 17, considered and passed Senate, amended, in lieu of H.R. 2163.
May 23, House concurred in Senate amendments with an amendment.
June 27, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 29 (1984): July 18, Presidential statement.

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98 STAT. 1831

Public Law 98-469
98th Congress

An Act

Oct. 11, 1984
[H.R. 5221]

To extend through September 30, 1988, the period during which amendments to the United States Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes.

7 USC 79 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 155 of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 371), is amended by striking out in the introductory clause "Effective for the period October 1, 1981, through September 30, 1984, inclusive," and inserting in lieu thereof "Effective for the period beginning October 1, 1981, and ending September 30, 1988,".

SEC. 2. Effective for the period beginning with the date of enactment of this Act and ending September 30, 1988, the United States Grain Standards Act, as amended by the Omnibus Budget Reconciliation Act of 1981, is amended by—

(1) adding at the end of section 7(j) (7 U.S.C. 79(j)) a new paragraph as follows:

"(3) Any sums collected or received by the Administrator under this Act and deposited to the fund created in paragraph (1) of this subsection and any late payment penalties collected by the Administrator and credited to such fund may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. The interest earned on such sums and any late payment penalties collected by the Administrator shall be credited to the fund and shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.";

(2) inserting in section 7C (7 U.S.C. 79c) after "35 per centum", the words ", and for each of the fiscal years 1985 through 1988 shall not exceed 40 per centum,"; and

(3) striking out in section 19 (7 U.S.C. 87h) "during the period beginning October 1, 1981, and ending September 30, 1984", and inserting in lieu thereof "during the period beginning October 1, 1981, and ending September 30, 1988".

Prohibition.
Wheat.

SEC. 3. Notwithstanding any other provision of law, the Secretary of Agriculture shall not establish a new class of wheat designated "Red Wheat", as proposed in 49 Federal Register, pages 1730-1735, dated January 13, 1984.

Approved October 11, 1984.

LEGISLATIVE HISTORY—H.R. 5221:

HOUSE REPORT No. 98-756 (Comm. on Agriculture).
SENATE REPORT No. 98-617 (Comm. of Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    May 21, considered and passed House.
    Sept. 28, considered and passed Senate.

COMMERCE ACTS

Public Law 98-237
98th Congress

98 STAT. 67

An Act

To improve the international ocean commerce transportation system of the United States.

Mar. 20, 1984
[S. 47]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act of 1984".

Shipping Act of 1984.
46 USC app. 1701 note.

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SEC. 2. DECLARATION OF POLICY.

46 USC app. 1701.

The purposes of this Act are—

(1) to establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs;

Water, commerce by.

(2) to provide an efficient and economic transportation system in the ocean commerce of the United States that is, insofar as possible, in harmony with, and responsive to, international shipping practices; and

(3) to encourage the development of an economically sound and efficient United States-flag liner fleet capable of meeting national security needs.

SEC. 3. DEFINITIONS.

46 USC app. 1702.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof; but the term does not include a maritime labor agreement.

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto.

15 USC 1.
15 USC 12.
15 USC 41.
15 USC 8, 9.
15 USC 13.
15 USC 1311 note.

98 STAT. 68

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, to the extent that it provides for the funding of collec-

tively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized.

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.

(5) "Commission" means the Federal Maritime Commission.

(6) "common carrier" means a person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country.

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff; but the term does not include a joint service, consortium, pooling, sailing, or transshipment arrangement.

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade.

(11) "forest products" means forest products in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container, including, but not limited to lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, paper board in rolls, and paper in rolls.

98 STAT. 69

(12) "inland division" means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier.

(13) "inland portion" means the charge to the public by a common carrier for the nonocean portion of through transportation.

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or contract based upon time-volume rates, by which a shipper obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference.

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier.

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement.

(17) "non-vessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.

(18) "ocean common carrier" means a vessel-operating common carrier; but the term does not include one engaged in ocean transportation by ferry boat or ocean tramp.

(19) "ocean freight forwarder" means a person in the United States that—

(A) dispatches shipments from the United States via common carriers and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments.

(20) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country.

(21) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party.

98 STAT. 70

(22) "shipment" means all of the cargo carried under the terms of a single bill of lading.

(23) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made.

(24) "shippers' association" means a group of shippers that consolidates or distributes freight on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or service contracts.

(25) "through rate" means the single amount charged by a common carrier in connection with through transportation.

(26) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port.

(27) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

46 USC app. 1703.

SEC. 4. AGREEMENTS WITHIN SCOPE OF ACT.

(a) Ocean Common Carriers.—This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of service;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or non-vessel-operating common carriers;

(6) control, regulate, or prevent competition in international ocean transportation; and

(7) regulate or prohibit their use of service contracts.

(b) Marine Terminal Operators.—This Act applies to agreements (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) among marine terminal operators and among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) Acquisitions.—This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

46 USC app. 1704.

SEC. 5. AGREEMENTS.

(a) Filing Requirements.—A true copy of every agreement entered into with respect to an activity described in section 4 of this Act shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. In the case of an oral agreement, a complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which an agreement shall be filed and the additional information and documents necessary to evaluate the agreement.

98 STAT. 71

(b) Conference Agreements.—Each conference agreement must—

(1) state its purpose;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership for any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) at the request of any member, require an independent neutral body to police fully the obligations of the conference and its members;

(5) prohibit the conference from engaging in conduct prohibited by section 10(c) (1) or (3) of this Act;

(6) provide for a consultation process designed to promote—

(A) commercial resolution of disputes, and

(B) cooperation with shippers in preventing and eliminating malpractices;

(7) establish procedures for promptly and fairly considering shippers' requests and complaints; and

(8) provide that any member of the conference may take independent action on any rate or service item required to be filed in a tariff under section 8(a) of this Act upon not more than

10 calendar days' notice to the conference and that the conference will include the new rate or service item in its tariff for use by that member, effective no later than 10 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item.

(c) Interconference Agreements.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

Complaint filing.

(d) Assessment Agreements.—Assessment agreements shall be filed with the Commission and become effective on filing. The Commission shall thereafter, upon complaint filed within 2 years of the date of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within 1 year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. Except for this subsection and section 7(a) of this Act, this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to assessment agreements.

98 STAT. 72

46 USC app. 801 *et seq.*, 843.

(e) Maritime Labor Agreements.—This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements. This subsection does not exempt from this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are required to be set forth in a tariff, whether or not those rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

46 USC app. 1705.

SEC. 6. ACTION ON AGREEMENTS.

Federal Register, publication.

(a) Notice.—Within 7 days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

(b) Review Standard.—The Commission shall reject any agreement filed under section 5(a) of this Act that, after preliminary review, it finds does not meet the requirements of section 5. The Commission shall notify in writing the person filing the agreement of the reason for rejection of the agreement.

(c) Review and Effective Date.—Unless rejected by the Commission under subsection (b), agreements, other than assessment agreements, shall become effective—

(1) on the 45th day after filing, or on the 30th day after notice of the filing is published in the Federal Register, whichever day is later; or

(2) if additional information or documentary material is requested under subsection (d), on the 45th day after the Commission receives—

(A) all the additional information and documentary material requested; or

(B) if the request is not fully complied with, the information and documentary material submitted and a statement of the reasons for noncompliance with the request. The period specified in paragraph (2) may be extended only by the United States District Court for the District of Columbia upon an application of the Commission under subsection (i).

(d) Additional Information.—Before the expiration of the period specified in subsection (c)(1), the Commission may request from the person filing the agreement any additional information and documentary material it deems necessary to make the determinations required by this section.

(e) Request for Expedited Approval.—The Commission may, upon request of the filing party, shorten the review period specified in subsection (c), but in no event to a date less than 14 days after notice of the filing of the agreement is published in the Federal Register.

(f) Term of Agreements.—The Commission may not limit the effectiveness of an agreement to a fixed term.

(g) Substantially Anticompetitive Agreements.—If, at any time after the filing or effective date of an agreement, the Commission determines that the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost, it may, after notice to the person filing the agreement, seek appropriate injunctive relief under subsection (h).

98 STAT. 73

(h) Injunctive Relief.—The Commission may, upon making the determination specified in subsection (g), bring suit in the United States District Court for the District of Columbia to enjoin operation of the agreement. The court may issue a temporary restraining order or preliminary injunction and, upon a showing that the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost, may enter a permanent injunction. In a suit under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene with respect to a claim under this subsection.

(i) Compliance With Informational Needs.—If a person filing an agreement, or an officer, director, partner, agent, or employee thereof, fails substantially to comply with a request for the submission of additional information or documentary material within the period specified in subsection (c), the United States District Court for the District of Columbia, at the request of the Commission—

(1) may order compliance;

(2) shall extend the period specified in subsection (c)(2) until there has been substantial compliance; and

(3) may grant such other equitable relief as the court in its discretion determines necessary or appropriate.

(j) Nondisclosure of Submitted Material.—Except for an agreement filed under section 5 of this Act, information and documentary material filed with the Commission under section 5 or 6 is exempt from disclosure under section 552 of title 5, United States Code and may not be made public except as may be relevant to an administrative or judicial action or proceeding. This section does not prevent disclosure to either body of Congress or to a duly authorized committee or subcommittee of Congress.

Disclosure to Congress.

(k) Representation.—Upon notice to the Attorney General, the Commission may represent itself in district court proceedings under subsections (h) and (i) of this section and section 11(h) of this Act. With the approval of the Attorney General, the Commission may represent itself in proceedings in the United States Courts of Appeal under subsections (h) and (i) of this section and section 11(h) of this Act.

46 USC app. 1706.

SEC. 7. EXEMPTION FROM ANTITRUST LAWS.

(a) In General.—The antitrust laws do not apply to—

(1) any agreement that has been filed under section 5 of this Act and is effective under section 5(d) or section 6, or is exempt under section 16 of this Act from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act, undertaken or entered into with a reasonable basis to conclude that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 16 of this Act from any filing requirement of this Act;

(3) any agreement or activity that relates to transportation services within or between foreign countries, whether or not via the United States, unless that agreement or activity has a direct, substantial, and reasonably foreseeable effect on the commerce of the United States;

(4) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in a United States import or export trade;

(5) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; or

(6) subject to section 20(e)(2) of this Act, any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14b thereof, and any properly published tariff, rate, fare, or charge, classification, rule, or regulation explanatory thereof implementing that argeement, modification, or cancellation.

97 Stat. 500.

(b) Exceptions.—This Act does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States;

(2) to any discussion or agreement among common carriers that are subject to this Act regarding the inland divisions (as opposed to the inland portions) of through rates within the United States; or

(3) to any agreement among common carriers subject to this Act to establish, operate, or maintain a marine terminal in the United States.

(c) Limitations.—(1) Any determination by an agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act (15 U.S.C. 15), or obtain injunctive relief under section 16 of that Act (15 U.S.C. 26), for conduct prohibited by this Act.

SEC. 8. TARIFFS.

46 USC app. 1707.

(a) In General.—

Filing and public inspection.

(1) Except with regard to bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) state the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) state the level of ocean freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and

(E) include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

Copies, availability.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for them.

98 STAT. 75

(b) TIME-VOLUME RATES.—Rates shown in tariffs filed under subsection (a) may vary with the volume of cargo offered over a specified period of time.

Confidentiality. Essential terms, availability.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper or shippers' association subject to the requirements of this Act. Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste, each contract entered into under this subsection shall be filed confidentially with the Commission, and at the same time, a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and those essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for nonperformance, if any.

Breach of contract.

The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rate or change in an existing rate that results in an increased cost to the shipper may become effective earlier than 30 days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than 30 days. A change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require that give notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within 180 days from the date of shipment.

98 STAT. 76

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject a tariff that is not filed in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void and its use is unlawful.

SEC. 9. CONTROLLED CARRIERS. 46 USC app. 1708.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section may maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor may any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in those tariffs. An unjust or unreasonable classification, rule, or regulation means one that results or is likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations that the controlled carrier has failed to demonstrate to be just and reasonable. In a proceeding under this subsection, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding section 8(d) of this Act, the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the 30th day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within 20 days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations 98 STAT. 77 filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend the rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend those rates, charges, classifications, rules, or regulations on not less than 60 days' notice to the controlled carrier. No period of suspension under this subsection may be greater than 180 days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject the new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President each order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within 10 days after the receipt or the effective date of the Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if the President finds that the stay is required for reasons of national defense or foreign policy, which reasons shall be specified in the report. Notwithstanding any other law, the Commission shall immediately grant the request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—This section does not apply to—

(1) a controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) a controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of a controlled carrier in any particular trade that are covered by an agreement effective under section 6 of this Act, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States; or

(5) a trade served exclusively by controlled carriers.

46 USC app. 1709. Prohibitions.

SEC. 10. PROHIBITED ACTS.

98 STAT. 78

(a) IN GENERAL.—No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(2) operate under an agreement required to be filed under section 5 of this Act that has not become effective under section 6, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement required to be filed under section 5 of this Act except in accordance with the terms of the agreement or any modifications made by the Commission to the agreement.

Prohibitions.

(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are shown in its tariffs or service contracts;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs or service contracts;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs or service contracts;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff or service contract by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) except for service contracts, engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) use a loyalty contract, except in conformity with the antitrust laws;

(10) demand, charge, or collect any rate or charge that is unjustly discriminatory between shippers or ports;

(11) except for service contracts, make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever;

(12) subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever;

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(13) refuse to negotiate with a shippers' association; or

(14) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transaction to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (14) shall be construed to prevent providing such information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of that carrier, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act is prohibited.

Prohibitions.

(c) CONCERTED ACTION.—No conference or group of two or more common carriers may—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) engage in conduct that unreasonably restricts the use of intermodal services or technological innovations;

(3) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of a common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(4) negotiate with a nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by those nonocean carriers: *Provided*, That this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers;

(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder or limit that compensation to less than a reasonable amount; or

(6) allocate shippers among specific carriers that are parties to the agreement or prohibit a carrier that is a party to the agreement from soliciting cargo from a particular shipper, except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract.

(d) COMMON CARRIERS, OCEAN FREIGHT FORWARDERS, AND MARINE TERMINAL OPERATORS.—

(1) No common carrier, ocean freight forwarder, or marine terminal operator may fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property.

(2) No marine terminal operator may agree with another marine terminal operator or with a common carrier to boycott, or unreasonably discriminate in the provision of terminal services to, any common carrier or ocean tramp.

(3) The prohibitions in subsection (b) (11), (12), and (14) of this section apply to marine terminal operators.

(e) JOINT VENTURES.—For purposes of this section, a joint venture or consortium of two or more common carriers but operated as a single entity shall be treated as a single common carrier.

46 USC app. 1710.

SEC. 11. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act, other than section 6(g), and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) COMMISSION INVESTIGATIONS.—The Commission, upon complaint or upon its own motion, may investigate any conduct or agreement that it believes may be in violation of this Act. Except in the case of an injunction granted under subsection (h) of this section, each agreement under investigation under this section remains in effect until the Commission issues an order under this subsection. The Commission may by order disapprove, cancel, or modify any agreement filed under section 5(a) of this Act that operates in violation of this Act. With respect to agreements inconsistent with section 6(g) of this Act, the Commission's sole remedy is under section 6(h).

(d) CONDUCT OF INVESTIGATION.—Within 10 days after the initiation of a proceeding under this section, the Commission shall set a date on or before which its final decision will be issued. This date may be extended for good cause by order of the Commission.

(e) UNDUE DELAYS.—If, within the time period specified in subsection (d), the Commission determines that it is unable to issue a final decision because of undue delays caused by a party to the proceedings, the Commission may impose sanctions, including entering a decision adverse to the delaying party.

(f) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and the published report shall be competent evidence in all courts of the United States.

Evidence.

(g) REPARATIONS.—For any complaint filed within 3 years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest at commercial rates compounded from the date of injury) caused by a violation of this Act plus reasonable attorney's fees. Upon a showing that the injury was caused by activity that is prohibited by section 10(b) (5) or (7) or section 10(c) (1) or (4) of this Act, or that violates section 10(a) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 10(b)(6) (A) or (B) of this Act, the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

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(h) INJUNCTION.—

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in a district in which the defendant resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant has been sued by the Commission under paragraph (1); or, if no suit has been filed, in a district in which the defendant resides or transacts business. A defendant that prevails in a suit under this paragraph shall be allowed reasonable attorney's fees to be assessed and collected as part of the costs of the suit.

SEC. 12. SUBPENAS AND DISCOVERY.

46 USC app. 1711.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission that, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) Witness Fees.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

46 USC app. 1712.

SEC. 13. PENALTIES.

(a) Assessment of Penalty.—Whoever violates a provision of this Act, a regulation issued thereunder, or a Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(b) Additional Penalties.—

(1) For a violation of section 10(b) (1), (2), (3), (4), or (8) of this Act, the Commission may suspend any or all tariffs of the common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed 12 months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 12 of this Act, the Commission may, after notice and an opportunity for hearing, suspend any or all tariffs of a common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended is subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) If, after notice and hearing, the Commission finds that the action of a common carrier, acting alone or in concert with any person, or a foreign government has unduly impaired access of a vessel documented under the laws of the United States to ocean trade between foreign ports, the Commission shall take action that it finds appropriate, including the imposition of any of the penalties authorized under paragraphs (1), (2), and (3) of this subsection.

Presidential review.

(6) Before an order under this subsection becomes effective, it shall be immediately submitted to the President who may, within 10 days after receiving it, disapprove the order if the President finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) Assessment Procedures.—Until a matter is referred to the Attorney General, the Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this Act. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

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(d) Review of Civil Penalty.—A person against whom a civil penalty is assessed under this section may obtain review thereof under chapter 158 of title 28, United States Code.

28 USC 2341 *et seq.*

(e) Failure To Pay Assessment.—If a person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to recover the amount assessed in an appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) Limitations.—

(1) No penalty may be imposed on any person for conspiracy to violate section 10 (a)(1), (b)(1), or (b)(4) of this Act, or to defraud the Commission by concealment of such a violation.

(2) Each proceeding to assess a civil penalty under this section shall be commenced within 5 years from the date the violation occurred.

SEC. 14. COMMISSION ORDERS.

46 USC app. 1713.

(a) In General.—Orders of the Commission relating to a violation of this Act or a regulation issued thereunder shall be made, upon sworn complaint or on its own motion, only after opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) Reversal or Suspension of Orders.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing may, except by special order of the Commission, operate as a stay of that order.

(c) Enforcement of Nonreparation Orders.—In case of violation of an order of the Commission, or for failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured by the violation, may seek enforcement by a United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) Enforcement of Reparation Orders.—(1) In case of violation of an order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in a United States district court having jurisdiction of the parties.

Prima facie evidence.

(2) In a United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed reasonable attorney's fees to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in a district in which any one plaintiff could maintain a suit against any one defendant. Service of process against a defendant not found in that district may be made in a district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

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(e) Statute of Limitations.—An action seeking enforcement of a Commission order must be filed within 3 years after the date of the violation of the order.

46 USC app. 1714.

SEC. 15. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of each common carrier and, to the extent it deems feasible, may require any shipper, shippers' association, marine terminal operator, ocean freight forwarder, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

46 USC app. 1715.

SEC. 16. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act or any specified activity of those persons from any requirement of this Act if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

46 USC app. 1716.

SEC. 17. REGULATIONS.

(a) The Commission may prescribe rules and regulations as necessary to carry out this Act.

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Exception from notice requirement.

(b) The Commission may prescribe interim rules and regulations necessary to carry out this Act. For this purpose, the Commission is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All rules and regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 days after the date of enactment of this Act.

46 USC app. 1717.

SEC. 18. AGENCY REPORTS AND ADVISORY COMMISSION.

(a) COLLECTION OF DATA.—For a period of 5 years following the enactment of this Act, the Commission shall collect and analyze information concerning the impact of this Act upon the international ocean shipping industry, including data on:

(1) increases or decreases in the level of tariffs;

(2) changes in the frequency or type of common carrier services available to specific ports or geographic regions;

(3) the number and strength of independent carriers in various trades; and

(4) the length of time, frequency, and cost of major types of regulatory proceedings before the Commission.

(b) CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES.—The Commission shall consult with the Department of Transportation, the Department of Justice, and the Federal Trade Commission annually concerning data collection. The Department of Transportation, the Department of Justice, and the Federal Trade Commission shall at all times have access to the data collected under this section to enable them to provide comments concerning data collection.

Transmittals.

(c) AGENCY REPORTS.—

(1) Within 6 months after expiration of the 5-year period specified in subsection (a), the Commission shall report the information, with an analysis of the impact of this Act, to Congress, to the Advisory Commission on Conferences in Ocean Shipping established in subsection (d), and to the Department of Transportation, the Department of Justice, and the Federal Trade Commission.

(2) Within 60 days after the Commission submits its report, the Department of Transportation, the Department of Justice, and the Federal Trade Commission shall furnish an analysis of the impact of this Act to Congress and to the Advisory Commission on Conferences in Ocean Shipping.

(3) The reports required by this subsection shall specifically address the following topics:

(A) the advisability of adopting a system of tariffs based on volume and mass of shipment;

(B) the need for antitrust immunity for ports and marine terminals; and

(C) the continuing need for the statutory requirement that tariffs be filed with and enforced by the Commission.

Advisory Commission on Conferences in Ocean Shipping.

(d) ESTABLISHMENT AND COMPOSITION OF ADVISORY COMMISSION.—

(1) Effective 5½ years after the date of enactment of this Act, there is established the Advisory Commission on Conferences in Ocean Shipping (hereinafter referred to as the "Advisory Commission").

(2) The Advisory Commission shall be composed of 17 members as follows:

(A) a cabinet level official appointed by the President;

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(B) 4 members from the United States Senate appointed by the President pro tempore of the Senate, 2 from the membership of the Committee on Commerce, Science, and Transportation and 2 from the membership of the Committee on the Judiciary;

(C) 4 members from the United States House of Representatives appointed by the Speaker of the House, 2 from the membership of the Committee on Merchant Marine and Fisheries, and 2 from the membership of the Committee on the Judiciary; and

(D) 8 members from the private sector appointed by the President.

(3) The President shall designate the chairman of the Advisory Commission.

(4) The term of office for members shall be for the term of the Advisory Commission.

(5) A vacancy in the Advisory Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(6) Nine members of the Advisory Commission shall constitute a quorum, but the Advisory Commission may permit as few as 2 members to hold hearings.

(e) COMPENSATION OF MEMBERS OF THE ADVISORY COMMISSION.—

(1) Officials of the United States Government and Members of Congress who are members of the Advisory Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for reasonable travel, subsistence, and other necessary

expenses incurred by them in the performance of the duties vested in the Advisory Commission.

(2) Members of the Advisory Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the performance of the duties vested in the Advisory Commission, plus reimbursement for reasonable travel, subsistence, and other necessary expenses incurred by them in the performance of those duties, notwithstanding the limitations in sections 5701 through 5733 of title 5, United States Code.

(3) Members of the Advisory Commission appointed from the private sector are not subject to section 208 of title 18, United States Code. Before commencing service, these members shall file with the Advisory Commission a statement disclosing their financial interests and business and former relationships involving or relating to ocean transportation. These statements shall be available for public inspection at the Advisory Commission's offices.

(f) Advisory Commission Functions.—The Advisory Commission shall conduct a comprehensive study of, and make recommendations concerning, conferences in ocean shipping. The study shall specifically address whether the Nation would be best served by prohibiting conferences, or by closed or open conferences.

(g) Powers of the Advisory Commission.—

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Subpenas.

(1) The Advisory Commission may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Advisory Commission may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman, or any duly designated member, and may be served by any person designated by the chairman, or that member. In case of contumacy by, or refusal to obey a subpena to, any person, the Advisory Commission may advise the Attorney General who shall invoke the aid of any court of the United States within the jurisdiction of which the Advisory Commission's proceedings are carried on, or where that person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and the court may issue an order requiring that person to appear before the Advisory Commission, there to produce records, if so ordered, or to give testimony. A failure to obey such an order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district whereof the person is an inhabitant or may be found.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, shall furnish to the Advisory Commission, upon request made by the chairman, such information as the Advisory Commission deems necessary to carry out its functions.

(3) Upon request of the chairman, the Department of Justice, the Department of Transportation, the Federal Maritime Commission, and the Federal Trade Commission shall detail staff personnel as necessary to assist the Advisory Commission.

96 Stat. 923.

(4) The chairman may rent office space for the Advisory Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, United States Code, may accept, hold, and administer gifts from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research, or surveys in furtherance of the work of the Advisory Commission.

(h) FINAL REPORT.—The Commission shall, within 1 year after its establishment, submit to the President and to the Congress a final report containing a statement of the findings and conclusions of the Advisory Commission resulting from the study undertaken under subsection (f), including recommendations for such administrative, judicial, and legislative action as it deems advisable. Each recommendation made by the Advisory Commission to the President and to the Congress must have the majority vote of the Advisory Commission present and voting.

Submittal to President and Congress.

(i) EXPIRATION OF THE COMMISSION.—The Advisory Commission shall cease to exist 30 days after the submission of its final report.

(j) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $500,000 to carry out the activities of the Advisory Commission.

SEC. 19. OCEAN FREIGHT FORWARDERS.

46 USC app. 1718.

(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that—

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(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend of revoke a license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with a provision of this Act or with a lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2).

(c) EXCEPTION.—A person whose primary business is the sale of merchandise may forward shipments of the merchandise for its own account without a license.

(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

(1) A common carrier may compensate an ocean freight forwarder in connection with a shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) Engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space.

(B) Prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with the tariff requirements of this Act.

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to a shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on that shipment.

SEC. 20. REPEALS AND CONFORMING AMENDMENTS.

(a) Repeals.—The laws specified in the following table are repealed:

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Shipping Act, 1916:	
Sec. 13	39 Stat. 732
Sec. 14a	46 App. U.S.C. 813
Sec. 14b	46 App. U.S.C. 813a
Sec. 18(b)	46 App. U.S.C. 817(b)
Sec. 18(c)	46 App. U.S.C. 817(c)
Sec. 26	46 App. U.S.C. 825
Sec. 44	46 App. U.S.C. 841b
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 App. U.S.C. 1122(e)
Sec. 214	46 App. U.S.C. 1124, wherever that section applies to the Federal Maritime Commission (Commission), any member of the Commission or any member, officer or employee designated by the Commission.
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608	95 Stat. 752

46 USC app. 801, 801 notes.

(b) Conforming Amendments.—The Shipping Act, 1916 (46 App. U.S.C. 801 et seq.), is amended as follows:

46 USC app. 801. (1) in section 1 by striking the definitions "controlled carrier" and "independent ocean freight forwarder";

46 USC app. 812, 814, 815, 819, 820, 821, 841c. (2) in sections 14, 15 [illegible] 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

46 USC app. 816. (8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act.";

(10) in section 22 by striking subsection (c);

46 USC app. 824. (11) in section 25, at the end of the first sentence, by adding "under this Act";

46 USC app. 828. (12) in section 29 by striking "any order of the board, the board," and substituting "any order of the Federal Maritime Commission under this Act, the Commission,";

46 USC app. 829, 830. (13) in sections 30 and 31, after the words "any order of the board", by adding "under this Act,";

46 USC app. 831. (14) in section 32(a) by striking "and section 44"; and

(15) in section 32(c), after the words "or functions,", by adding "under this Act,".

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(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—"; and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

46 USC app. 1719.

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act.

46 USC app. 1719.

(e) SAVINGS PROVISIONS.—

(1) Each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment of this Act may remain in full force and effect and need not comply with the requirements of section 8(c) of this Act until 15 months after the date of enactment of this Act.

(2) This Act and the amendments made by it shall not affect any suit—

(A) filed before the date of enactment of this Act; or

(B) with respect to claims arising out of conduct engaged in before the date of enactment of this Act, filed within 1 year after the date of enactment of this Act.

SEC. 21. EFFECTIVE DATE.

46 USC app. 1701 note.

This Act shall become effective 90 days after the date of its enactment, except that sections 17 and 18 shall become effective upon enactment.

SEC. 22. COMPLIANCE WITH BUDGET ACT.

46 USC app. 1720.

Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in advance in appropriations Acts. Any provision of this Act that authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

2 USC 651.

98 STAT. 91

Approved March 20, 1984.

LEGISLATIVE HISTORY—S. 47 (S. 504) (H.R. 1878):

HOUSE REPORTS: No. 98-53, Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on the Judiciary) both accompanying H.R. 1878 and No. 98-600 (Comm. of Conference).

SENATE REPORT No. 98-3 accompanying S. 504 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 129 (1983): Feb. 22-24, 28, Mar. 1, considered and passed Senate.
Oct. 17, H.R. 1878 considered and passed House; S. 47, amended, passed in lieu.

Vol. 130 (1984): Feb. 23, Senate agreed to conference report.
Mar. 6, House agreed to conference report.

98 STAT. 440 Public Law 98-364
98th Congress

An Act

July 17, 1984
[H.R. 4997]

To authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Fish and fishing.

SEC. 101. The last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—

"(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and

Tuna.

"(B) in the case of yellowfin tuna harvested with purse seines in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and

"(ii) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting.".

SEC. 102. Section 104(h) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end thereof the following paragraphs:

"(2)(A) Subject to subparagraph (B), the general permit issued under paragraph (1) on December 1, 1980 to the American Tunaboat Association is extended to authorize and govern the taking of marine mammals incidental to commercial purse seine fishing for yellowfin tuna during each year after December 31, 1984.

"(B) The extension granted under subparagraph (A) is subject to the following conditions:

"(i) The extension shall cease to have force and effect at the time the general permit is surrendered or terminated.

"(ii) The permittee and certificate holders shall use the best marine mammal safety techniques and equipment that are economically and technologically practicable.

"(iii) During the period of the extension, the terms and conditions of the general permit that are in effect on the date of the enactment of this paragraph shall apply, except that—

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"(I) the Secretary may make such adjustments as may be appropriate to those terms and conditions that pertain to fishing gear and fishing practice requirements and to permit administration;

"(II) any such term and condition may be amended or terminated if the amendment or termination is based on the best scientific information available, including that obtained under the monitoring program required under paragraph (3)(A); and

Dolphin.

"(III) during each year of the extension, not to exceed 250 coastal spotted dolphin (Stenella attenuata) and not to exceed 2,750 eastern spinner dolphin (Stenella longirostris) may be incidentally taken under the general permit, and no accidental taking of either species is authorized at any time when incidental taking of that species is permitted.

Dolphin.

"(C) The quota on the incidental taking of coastal spotted dolphin and eastern spinner dolphin under paragraph (2)(B)(iii)(III) shall be treated—

"(i) as within, and not in addition to, the overall annual quota under the general permit on the incidental taking of marine mammals; and

"(ii) for purposes of paragraph (2)(B)(iii)(II), as a term of the general permit in effect on the date of the enactment of this paragraph.

Research and development. Tuna.

"(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

Report.

"(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

"(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed $4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988.".

President of U.S.

SEC. 103. (a) Section 201(b)(1) of the Marine Mammal Act of 1972 (16 U.S.C. 1401(b)(1)) is amended by striking the second sentence thereof and inserting in lieu thereof the following: "The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on Environmental Quality and unanimously agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences.".

98 STAT. 442

(b) The first sentence of section 206 of such Act of 1972 (16 U.S.C. 1406) is amended by adding immediately before the period at the end thereof the following: "; except that no fewer than 11 employees must be employed under paragraph (1) at any time".

SEC. 104. Section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1407) is amended—

(1) by amending subsection (a)—

(A) by inserting "(other than section 104(h)(3))" immediately after "title I", and

(B) by striking out "for fiscal year 1984." and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.";

(2) by striking out "and $2,000,000 for fiscal year 1984." in subsection (b) and inserting in lieu thereof "$2,000,000 for fiscal year 1984, $2,500,000 for fiscal year 1985, and $3,000,000 for each of fiscal years 1986, 1987, and 1988."; and

(3) by striking out "for fiscal year 1984." in subsection (c) and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.".

97 Stat. 217.

SEC. 105. Section 2(c) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by striking out "July 1, 1984" in each of paragraphs (1) and (2) and inserting in lieu thereof "December 31, 1985";

(2) by striking out "May 3, 1983" in paragraph (1) and inserting in lieu thereof "May 8, 1984";

(3) by striking out "May 3, 1983" in paragraph (2) and inserting in lieu thereof "May 7, 1984"; and

International fishery agreement.

(4) by amending the last sentence thereof by striking out "Each such governing international fishery agreement" and inserting in lieu thereof "The government international fishery agreements referred to in paragraphs (1) and (2) shall enter into force and effect with respect to the United States on July 1, 1984; and the governing international fishery agreement referred to in paragraph (3)".

16 USC 1823 note.

SEC. 106. Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and upon certification by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives that a new governing international fishery agreement in conformity with such Act has been negotiated by the United States and the European Economic Community, the existing governing international fishery agreement referred to in section 2(a)(7) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823, note) may be extended or reinstated, as the case may be, and may be in force and effect with respect to the United States, for the period of time ending on the earlier of (1) the effective date of the new governing international fishery agreement, or (2) September 30, 1984.

98 STAT. 443

TITLE II

National Coastal Resources Research and Development Institute. 16 USC 1463b.

SEC. 201. (a) The Secretary of Commerce shall provide for the establishment of a National Coastal Resources Research and Development Institute (hereinafter in this title referred to as the "Institute") to be administered by the Oregon State Marine Science Center.

(b) The Institute shall conduct research and carry out educational and demonstration projects designed to promote the efficient and responsible development of ocean and coastal resources, including arctic resources. Such projects shall be based on biological, geological, genetic, economic and other scientific research applicable to the purposes of this title and shall include studies on the economic diversification and environmental protection of the Nation's coastal areas.

(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

(A) two representatives appointed by the Governor of Oregon;

(B) one representative appointed by the Governor of Alaska;

(C) one representative appointed by the Governor of Washington;

(D) one representative appointed by the Governor of California; and

(E) one representative appointed by the Governor of Hawaii.

(2) Such policies shall include the selection, on a nationally competitive basis, of the research, projects, and studies to be supported by the Institute in accordance with the purposes of this title.

Advisory Council.

(d)(1) The Board of Governors shall establish an Advisory Council composed of specialists in ocean and coastal resources from the academic community.

(2) To the maximum extent practicable, the Advisory Council shall be composed of such specialists from every coastal region of the Nation.

(3) The Advisory Council shall provide such advice to the Board of Governors as such Board shall request, including recommendations regarding the support of research, projects, and studies in accordance with the purposes of this title.

(e) The Institute shall be administered by a Director who shall be appointed by the Chancellor of the Oregon Board of Higher Education in consultation with the Board of Governors.

Study.

(f) The Secretary of Commerce shall conduct an ongoing evaluation of the activities of the Institute to ensure that funds received by the Institute under this title are used in a manner consistent with the provisions of this title.

Report.

(g) The Institute shall report to the Secretary of Commerce on its activities within 2 years after the date of enactment of this Act.

(h) The Comptroller General of the United States, and any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the Institute that are pertinent to the funds received under this title.

(i) Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

(j) For the purposes of this title, there are authorized to be appropriated in each fiscal year $5,000,000, commencing with fiscal year 1985.

Flood control.
Cameron Parish, La.

Sec. 202. For purposes of sections 1305(c), 1315, and 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c), 4022, and 4104) and section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106(a)), the flood elevation determination made by the Director of the Federal Emergency Management Agency with respect to Cameron Parish in the State of Louisiana, and published in the Federal Register on July 28, 1983, and November 22, 1983, shall not be considered final before the expiration of the one-year period following the date of enactment of this Act.

TITLE III

Sec. 301. Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1984" and inserting in lieu thereof "October 1, 1987".

Sec. 302. (a) Section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973) is amended—

(1) by striking "Secretary of the Treasury in the amount certified to him by the Secretary of State" in the first sentence of subsection (a) and inserting in lieu thereof "Secretary of State in the amount determined and certified by him"; and

(2) by amending subsection (b)—

(A) by inserting "determination and" immediately before "certification" in the first sentence thereof; and

(B) by striking "the Treasury" in the second and third sentences and inserting in lieu thereof "State".

(b) Section 5(a)(1)(A) of such Act of 1967 (22 U.S.C. 1975(a)(1)(A)) is amended by striking "the Secretary of the Treasury" and inserting in lieu thereof "him".

(c) The first sentence of section 9 of such Act of 1967 (22 U.S.C. 1979) is amended by striking "Secretary of the Treasury" and inserting in lieu thereof "Secretary of State"; and by striking "certified to him by the Secretary of State" and inserting in lieu thereof "determined and certified by him".

Vessels.

Sec. 303. (a) Section 2 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) any vessel of the United States is seized by a foreign country on the basis of claims to jurisdiction that are not recognized by the United States, or on the basis of claims to jurisdiction recognized by the United States but exercised in a manner inconsistent with international law as recognized by the United States;"; and

(2) by amending the matter appearing between subparagraph (D) and clause (i) of paragraph (2) to read as follows:

"the Secretary of State, unless there is clear and convincing credible evidence that the seizure did not meet the requirements under paragraph (1) or (2), as the case may be, shall immediately take such steps as are necessary—".

(b) Section 4 of such Act of 1967 (22 U.S.C. 1974) is amended by striking "any fishery convention or treaty to which the United States is a party." and inserting in lieu thereof "any applicable convention or treaty, if that treaty or convention was made with advice and consent to the Senate and was in force and effect for the United States and the seizing country at the time of the seizure.".

98 STAT. 445

22 USC 1972 note.

(c) The amendments made by subsections (a) and (b) apply with respect to seizures made after April 1, 1983, by foreign countries of vessels of the United States.

Commercial Fishing Industr Vessel Act.
46 USC 2101 note.
Shipping.

TITLE IV

SEC. 401. This title may be cited as the "Commercial Fishing Industry Vessel Act".

SEC. 402. Subtitle II of title 46, United States Code, "Shipping", is amended as follows:

97 Stat. 501.

(1) Section 2101 is amended by—

(A) amending clause (11) thereof to read as follows:

"(11) 'fish' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.";

(B) inserting immediately after clause (11) the following:

"(11a) 'fishing vessel' means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

"(11b) 'fish processing vessel' means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, or brine chilling.

"(11c) 'fish tender vessel' means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility."; and

(C) adding the following at the end of clause (21):

"(E) on a fishing, fish processing, or fish tender vessel, means an individual transported on the vessel except—

"(i) the owner;

"(ii) a representative of the owner;

"(iii) the managing operator;

"(iv) the master;

"(v) a crewmember engaged in the business of the vessel who has not contributed consideration for transportation on board and who is paid for services on board;

"(vi) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

"(vii) a charterer of the vessel;

"(viii) a person with the same relationship to a charterer as a person in subclause (ii) or (vi) of this subclause has to an owner; or

"(ix) a guest who has not contributed consideration for transportation on board.".

(2) Section 3301 is amended by adding at the end thereof the following: 97 Stat. 510.

"(11) fish processing vessels.

"(12) fish tender vessels.".

(3) Section 3302 (b) and (c) is amended to read as follows: 97 Stat. 510.

"(b) A fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section 3301 (1), (7), (11), and (12) of this title.

98 STAT. 446

"(c)(1) A fish processing vessel of not more than 5,000 gross tons is exempt from section 3301 (1), (6), (7), (11), and (12) of this title.

"(2) A fish tender vessel of not more than 500 gross tons is exempt from section 3301 (1), (6), (7), (11), and (12) of this title.".

(4) Section 3304 is amended by adding at the end thereof the following: 97 Stat. 513.

"(d) A fishing, fish processing, or fish tender vessel that transports not more than 12 individuals employed in the fishing industry in addition to the crew is not subject to inspection as a passenger or small passenger vessel.".

(5) Section 3306 is amended by adding at the end thereof the following: 97 Stat. 513.

"(g) In prescribing regulations for fish processing or fish tender vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of these vessels. The regulations shall reflect the specialized nature and economics of fish processing or fish tender vessel operations and the character, design, and construction of fish processing or fish tender vessels.".

(6) Section 3702 is amended by— 97 Stat. 521.

(A) amending subsection (c) to read as follows:

"(c) This chapter does not apply to a fishing or fish tender vessel of not more than 500 gross tons when engaged only in the fishing industry."; and

(B) amending the first sentence in subsection (d) to read as follows: "This chapter does not apply to a fish processing vessel of not more than 5,000 gross tons.".

(7)(A) The analysis of part B is amended by striking—

"41. Uninspected vessels **4101**

"43. Recreational vessels .... **4301"**

and inserting in lieu thereof the following:

"41. Uninspected vessels generally **4101**

"43. Recreational vessels **4301**

"45. Fish processing vessels .... **4501".**

(B) The title of chapter 41 is amended to read as follows:

"CHAPTER 41—UNINSPECTED VESSELS GENERALLY".

(C) Part B is amended by adding the following immediately after chapter 43:

"CHAPTER 45—FISH PROCESSING VESSELS

"Sec.
"4501. Application.
"4502. Regulations.
"4503. Equivalency.
"4504. Penalties.

"§ 4501. Application

46 USC 4501.

"(a) This chapter applies to an uninspected fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products—

"(1) on the navigable waters of the United States; or

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"(2) owned in the United States and operating on the high seas.

"(b) This chapter does not apply to the carriage of liquid bulk dangerous cargoes regulated under chapter 37 of this title.

97 Stat. 520.
46 USC 3701 *et seq.*
46 USC 4502.

"§ 4502. Regulations

"(a) For each vessel to which this chapter applies, the Secretary shall prescribe regulations for—

"(1) navigation equipment, including radars, fathometers, compasses, radar reflectors, lights, sound-producing devices, nautical charts, and anchors;

"(2) life saving equipment, including life preservers, exposure suits, lifeboats or life rafts, emergency position indicating radio beacons, signaling devices, bilge pumps, bilge alarms, life- and grab-rails, and medicine chests;

"(3) fire protection and firefighting equipment, including fire alarms, portable and semi-portable fire extinguishing equipment, and flame arrestors;

"(4) the use and installation of insulation material;

"(5) storage methods for flammable or combustible material; and

"(6) fuel, ventilation, and electrical systems.

"(b) In prescribing regulations under subsection (a) of this section, the Secretary shall—

"(1) consider the specialized nature and economics of fish processing vessel operations and the character, design, and construction of fish processing vessels;

"(2) consult with representatives of the private sector having experience in the operation of these vessels to ensure the practicability of these regulations; and

"(3) not compel alteration of a vessel to which the exemption applies or item of equipment on that vessel, or of the construction of a vessel or manufacture of a particular item of equipment which is begun before the effective date of the regulation.

46 USC 4503.

"§ 4503. Equivalency

16 UST 185.

"A vessel to which this chapter applies shall be deemed to comply with the requirements of this chapter if it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party and shall not be required by the Secretary to alter or replace the equipment or structural requirements required under this chapter.

46 USC 4504.

"§ 4504. Penalties

"If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than $1,000. The vessel also is liable in rem for the penalty.".

(8)(A) Item 7111 in the analysis of chapter 71 is amended to read as follows:

"7111. Oral examinations for licenses.".

97 Stat. 541.

(B) Section 7111 is amended to read as follows:

46 USC 7111.

"§ 7111. Oral examinations for licenses

98 STAT. 448

"An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle.".

97 Stat. 509.

(9)(A) The analysis of chapter 73 is amended by inserting immediately after item 7311 the following:

"7311a. Able seamen—fishing industry.".

(B) Section 7301(a)(1) is amended by striking "decked fishing vessels" and inserting in lieu thereof "fishing, fish processing, fish tender vessels". 97 Stat. 541.

(C) Section 7306(b) is amended by adding at the end thereof the following: 97 Stat. 542.

"(6) able seaman—fishing industry.".

(D) Chapter 73 is amended by inserting immediately after 7311 the following:

"§ 7311a. Able seamen—fishing industry 46 USC 7311a.

"For service on a fish processing vessel, an individual may be rated as able seaman—fishing industry if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).".

(E) Section 7312 is amended by adding at the end thereof the following: 97 Stat. 543.

"(f) Individuals qualified as able seamen—fishing industry under section 7311a of this title may constitute— *Supra.*

"(1) all of the able seamen required on a fish processing vessel entered into service before January 1, 1988, and of more than 1,600 gross tons but not more than 5,000 gross tons; and

"(2) all of the able seamen required on a fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products but of not more than 5,000 gross tons.".

(10) Section 8102 is amended by 97 Stat. 548.

(A) inserting "(a)" immediately before the first paragraph; and

(B) adding at the end thereof the following:

"(b) The owner, charterer, managing operator, agent, master, or individual in charge of a fish processing vessel of more than 100 gross tons shall keep a suitable number of watchmen trained in firefighting on board when hotwork is being done to guard against and give alarm in case of a fire.".

(11) Section 8104 is amended by— 97 Stat. 549.

(A) striking "100 gross tons," in subsection (b) and inserting in lieu thereof "100 gross tons (except a fishing, fish processing, or fish tender vessel),";

(B) striking "fishing" in subsection (c) and inserting in lieu thereof "fishing, fish processing, fish tender,";

(C) striking "a fishing or whaling vessel," in subsection (d) and inserting in lieu thereof "a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons,"; and

(D) adding at the end thereof the following:

98 STAT. 449

"(k) On a fish processing vessel subject to inspection under part B of this subtitle, the licensed individuals and deck crew may be divided, when at sea, into at least 3 watchers. 97 Stat. 509.

"(l) Except as provided in subsection (k) of this section, on a fish processing vessel, the licensed individuals and deck crew may be divided, when at sea, into at least 2 watches if the vessel—

"(1) entered into service before January 1, 1988, and is more than 1,600 gross tons; or

"(2) entered into service after December 31, 1987, and has more than 16 individuals on board primarily employed in the preparation of fish or fish products.

"(m) This section does not apply to a fish processing vessel—

"(1) entered into service before January 1, 1988, and not more than 1,600 gross tons; or

"(2) entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.".

(12)(A) Section 8701(a) is amended by— 97 Stat. 554.

(i) striking "fishing or whaling" and inserting in lieu thereof "fishing, fish tender, or whaling";

(ii) striking "and" after the semicolon at the end of clause (4);

(iii) striking the period at the end of clause (5) and inserting in lieu thereof a semicolon; and

(iv) adding at the end thereof the following:

"(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

"(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.".

97 Stat. 554. (B) Section 8702(a) is amended by—

(i) striking "fishing or whaling" and inserting in lieu thereof "fishing, fish tender, or whaling";

(ii) striking "and" after the semicolon at the end of clause (4);

(iii) striking the period at the end of clause (5) and inserting in lieu thereof a semicolon; and

(iv) adding at the end thereof the following:

"(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

"(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.".

97 Stat. 560. (13) Section 10101(a) is amended by adding at the end thereof the following:

"(4) "fishing vessel" includes—

"(A) a fish tender vessel; or

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"(B) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.".

97 Stat. 580. (14) Section 11108 is amended by striking "a fisherman employed on a fishing vessel" and inserting in lieu thereof "an individual employed on a fishing vessel or any fish processing vessel".

97 Stat. 580. (15) Section 11109(c) is amended to read as follows:

"(c) This section applies to an individual employed on a fishing vessel or any fish processing vessel.".

97 Stat. 585. (16) Section 12101 is amended by adding at the end thereof the following:

"(6) 'fisheries' includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811).".

46 USC 3302 note.

SEC. 403. (a) Before January 1, 1990, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

(b) A fish processing vessel entered into service before January 1, 1988, and more than 1,600 gross tons or entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products is exempt from section 8702(b) of title 46, United States Code, until 18 months after the date of enactment of this Act.

97 Stat. 554.

(c) As used in subsections (a) and (b) of this section, the terms "fishing vessel", "fish processing vessel" and "fish tender vessel" shall have the meaning given to such terms in section 2101 of title 46, United States Code.

Ante, p. 445.

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 4997:

HOUSE REPORT No. 98-758 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 5, considered and passed House.
June 27, considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 98-395
98th Congress

98 STAT. 1366

An Act

To amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes.

Aug. 21, 1984
[S. 1429]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business Development Center Improvement Act of 1984.
15 USC 631 note.
15 USC 648.

SECTION 1. This Act may be cited as the "Small Business Development Center Improvement Act of 1984".

SEC. 2. Section 21 of the Small Business Act is amended as follows:

(1) by adding at the end of paragraph (1) of subsection (a) the following: "The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.";

(2) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) The Small Business Development Center Program shall be under the general management and oversight of the Administration, but with recognition that a partnership exists under this section between the Administration and the applicant for the delivery of assistance to the small business community. Services shall be provided pursuant to a negotiated cooperative agreement with full participation of both parties.

"(3) Except as provided in paragraph (4), the Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: *Provided,* That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount: *Provided further,* That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, or $200,000, whichever is greater.

"(4) In lieu of the matching funds required in paragraph (3), the Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions as follows:

"(A) for grants for performance commencing on or after October 1, 1987 if the applicant is located in a State which received its grant for performance under this section on or before August 1, 1984;

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"(B) for grants for performance commencing on or after October 1, 1988 if the applicant is located in a State which receives its initial grant for performance under this section commencing after August 1, 1984 and prior to October 1, 1986; and

"(C) for grants for performance commencing on or after October 1, 1986 if the applicant is located in a State which receives its initial grant for performance under this section commencing after October 1, 1986:

Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: *Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, or $200,000 whichever is greater.";

(3) by striking from paragraph (1) of subsection (b) "During fiscal years 1981, 1982, and 1983, financial" and by inserting in lieu thereof "Financial";

Public availability.

(4) by inserting after the period at the end of the first sentence of paragraph (2) of subsection (c) the following: "The facilities and staff of each Small Business Development Center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve.";

(5) by amending subparagraph (2)(A) of subsection (c) to read as follows:

"(A) a full-time staff, including a full-time director who shall have the authority to make expenditures under the center's budget and who shall manage the program activities;";

(6) by striking subsection (e) and inserting in lieu thereof the following:

National Science Foundation.

"(e) The National Science Foundation is authorized and directed to cooperate with the Administration and with the Small Business Development Centers in developing and establishing programs to support the centers.";

(7) by striking from the second sentence of paragraph (2) of subsection (h) the word "quarterly" and inserting in lieu thereof "semiannually";

(8) by striking from paragraph (1) of subsection (i) the word "may" and inserting in lieu thereof "shall"; and

(9) by striking subsection (j) and inserting in lieu thereof the following:

Study.
Ante, p. 1366.

"(j) Within six months of the date of enactment of the Small Business Development Center Improvement Act of 1984, the Administration shall develop and implement a program proposal for onsite evaluation of each Small Business Development Center. Such evaluation shall be conducted at least once every two years and shall provide for the participation of a representative of at least one other Small Business Development Center on a cost-reimbursement basis.".

SEC. 3. Section 20 of the Small Business Act is amended as follows:

15 USC 631 note.

(1) by inserting the following after the second sentence in subsection (a): "For fiscal year 1986 and every year thereafter, there are hereby authorized to be appropriated such sums as may be necessary and appropriate to be available solely (1) to carry out the provisions and purposes of the Small Business Development Center Program in section 21, but not to exceed the level as specified in subsection (a) of such section, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in section 21(h), and (3) to reimburse centers for participation in evaluations as provided in section 21(j)."; and

98 STAT. 1368

Ante, p. 1366.

(2) by adding the following new subsection:

"(t) There are hereby authorized to be appropriated for fiscal year 1985, $30,000,000 to be available solely (1) to carry out the provisions and purposes of the Small Business Development Center Program in section 21, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in subsection 21(h), and (3) to reimburse centers for participation in evaluations as provided in subsection 21(j)."

Appropriations authorization.

SEC. 4. Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302), as amended, is further amended by striking "January 1, 1985" and by inserting in lieu thereof "October 1, 1990".

97 Stat. 1125.
15 USC 648 note.

SEC. 5. Section 7(d)(1) of the Small Business Act is amended to read as follows:

15 USC 636.

"(d)(1) The Administration shall not fund any Small Business Development Center or any variation thereof, except as authorized in section 21 of this Act.".

Approved August 21, 1984.

LEGISLATIVE HISTORY—S. 1429 (H.R. 4013) (H.R. 5334):

HOUSE REPORTS: No. 98-739 accompanying H.R. 5334 (Comm. on Small Business) and No. 98-955 (Comm. of Conference).
SENATE REPORT No. 98-309 (Comm. on Small Business).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 17, considered and passed Senate.
Vol. 130 (1984): May 14, H.R. 5334 considered and passed House; S. 1429, amended, passed in lieu.
Aug. 6, Senate agreed to conference report.
Aug. 8, House agreed to conference report.

Public Law 98-445
98th Congress

98 STAT. 1715

An Act

To implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983.

Oct. 4, 1984
[H.R. 5147]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Eastern Pacific Tuna Licensing Act of 1984".

Eastern Pacific Tuna Licensing Act of 1984.
16 USC 972 note.
16 USC 972.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983.

(2) The term "Agreement Area" means the area within a perimeter determined as follows: From the point on the mainland where the parallel of 40 degrees north latitude intersects the coast westward along the parallel of 40 degrees north latitude to 40 degrees north latitude by 125 degrees west longitude, thence southerly along the meridian of 125 degrees west longitude to 20 degrees north latitude by 125 degrees west longitude, thence easterly along the parallel of 20 degrees north latitude to 20 degrees north latitude by 120 degrees west longitude, thence southerly along the meridian of 120 degrees west longitude to 5 degrees north latitude by 120 degrees west longitude, thence easterly along the parallel of 5 degrees north latitude to 5 degrees north latitude by 110 degrees west longitude, thence southerly along the meridian of 110 degrees west longitude to 10 degrees south latitude by 110 degrees west longitude, thence easterly along the parallel of 10 degrees south latitude to 10 degrees south latitude by 90 degrees west longitude, thence southerly along the meridian of 90 degrees west longitude to 30 degrees south latitude by 90 degrees west longitude, thence easterly along the parallel of 30 degrees south latitude to the point on the mainland where the parallel intersects the coast; but the Agreement Area does not include the zones within twelve nautical miles of the baseline from which the breadth of territorial sea is measured and the zones within two hundred nautical miles of the baselines of Coastal States not signatories to the Agreement, measured from the same baseline.

(3) The term "designated species of tuna" means yellowfin tuna, Thunnus albacares (Bonnaterre, 1788); bigeye tuna, Thunnus obesus (Lowe, 1839); albacore tuna, Thunnus alalunga (Bonnaterre, 1788); northern bluefin tuna, Thunnus thynnus (Linnaeus, 1758); southern bluefin tuna, Thunnus maccoyil (Castelnau, 1872); skipjack tuna, Katsuwonus pelamis (Linnaeus 1578); black skipjack, Euthynnus Lineatus (Kishinouye 1920); kawakawa, Euthynnus affinis (Cantor, 1849); bullet tuna, Auxis rochei (Risso, 1810), frigate tuna, Ausix thazard (Lacepede, 1800); eastern Pacific bonito, Sarda chiliensis (Cuvier in Cuvier and Valenciennes, 1831); and Indo-Pacific bonito, Sarda orientalis (Temminck and Schlegel, 1844).

98 STAT. 1716

(4) The term "Council" means the body consisting of the representatives from each Contracting Party to the Agreement which is a Coastal State of the eastern Pacific Ocean or a member of the Inter-American Tropical Tuna Commission at the time of entry into force of the Agreement.

16 USC 972a.

SEC. 3. UNITED STATES REPRESENTATION ON THE COUNCIL.

(a) The Secretary of State—

(1) shall appoint a United States representative to the Council; and

(2) may appoint not more than three alternate United States representatives to the Council.

Government organization and employees.

(b) An individual is not eligible for appointment as, or to serve as, the United States representative under subsection (a)(1) unless the individual is an officer or employee of the United States Government.

(c) An individual is not entitled to compensation for serving as the United States representative or an alternate United States representative.

(d) While away from home or a regular place of business in the performance of service as the United States representative or an alternate United States representative, an individual is entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEC. 4. SECRETARY OF STATE TO ACT FOR THE UNITED STATES.

16 USC 972b.

The Secretary of State shall receive, on behalf of the United States Government, reports, requests, recommendations and other communications of the Council, and, in consultation with the Secretary of Commerce, shall act directly thereon or by reference to the appropriate authorities.

SEC. 5. APPLICATION TO OTHER LAWS.

16 USC 972c.

(a) Notwithstanding section 4 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1874), such Act applies with respect to a seizure by a Contracting Party to the Agreement of a vessel of the United States within the Agreement Area for violation of the Agreement if the Secretary of State determines that the violation is not of such seriousness as to diminish the effectiveness of the Agreement.

Ante, p. 444.
22 USC 1974.

(b) The seizure by a Contracting Party to the Agreement of a vessel of the United States shall not be considered to be a seizure described in section 205(a)(4)(C) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1825(a)(4)(C)) if the seizure is consistent with the Agreement.

SEC. 6. DISPOSITION OF FEES.

16 USC 972d.

All fees accruing to the United States under Article III of the Agreement shall be deposited into the Treasury of the United States.

SEC. 7. REGULATIONS.

16 USC 972e.

The Secretary of Commerce, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall issue such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this Act. Regulations may be made applicable as necessary to all persons and vessels subject to the jurisdiction of the United States, wherever located. Regulations concerning the conservation of a designated species of tuna may be issued only to implement conservation recommendations made by the Council under Article 3(D) of the Agreement.

98 STAT. 1717

SEC. 8. PROHIBITED ACTS.

16 USC 972f.

(a) It is unlawful for any person subject to the jurisdiction of the United States—

(1) to engage in fishing for a designated species of tuna within the Agreement Area unless issued a license under the Agreement authorizing such fishing;

(2) to engage in fishing for a designated species of tuna within the Agreement area in contravention of regulations promulgated by the Secretary of Commerce under the Agreement;

(3) knowingly to ship, transport, purchase, sell, offer for sale, export, or have in custody, possession, or control any designated species of tuna taken or retained in violation of regulations issued under section 7;

(4) to fail to make, keep, or furnish any catch return, statistical record, or other report required by regulations issued under section 7;

(5) being a person in charge of a vessel of the United States, to fail to stop upon being hailed by an authorized official of the United States, or to refuse to permit officials of the United States to board the vessel or inspect its catch, equipment, books, documents, records, or other articles, or to question individuals on board; or

(6) to import from any country, in violation of any regulation issued under section 7, any designated species of tuna.

(b) Any person who is convicted of violating—

(1) subsection (a)(1), (a)(2), or (a)(3) shall be fined or assessed a civil penalty not more than $25,000, and for a subsequent violation shall be fined or assessed a civil penalty not more than $50,000;

(2) subsection (a)(4) or (a)(5) shall be fined or assessed a civil penalty not more than $5,000, and for a subsequent violation shall be fined or assessed a civil penalty not more than $5,000; or

(3) subsection (a)(6) shall be fined or assessed a civil penalty not more than $100,000.

(c) All designated species of tuna taken or retained in violation of subsection (a) (1), (2), (3), or (6), or the monetary value thereof, is subject to forfeiture.

(d) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

SEC. 9. ENFORCEMENT.

Courts, U.S.
16 USC 972g.
98 STAT. 1718

(a) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this Act and the regulations issued under section 7.

(b) The enforcement of this Act and the regulations issued under section 7 shall be the joint responsibility of the department in which the Coast Guard is operating, the Department of Commerce, and the United States Customs Service. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities under this section. When so designated, such officers and employees may function as Federal law enforcement agents for these purposes.

(c) An individual authorized to carry out enforcement activities under this section has power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

(d) An individual so authorized to carry out enforcement activities under this section has power—

(1) with or without a warrant or other process, to arrest any person subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this Act or the regulations issued under section 7;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if, as a result of the search he has reasonable cause to believe that such vessel or any individual on board is engaging in operations in violation of this Act or any regulation issued thereunder to arrest such person.

(e) An individual authorized to enforce this Act may seize, whenever or wherever lawfully found, all species of designated tuna taken or retained in violation of this Act or the regulations issued under section 7. Any species so seized may be disposed of pursuant to the order of a court of competent jurisdiction, under subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of Commerce.

(f) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any species of designated tuna seized if the process has been levied, on receiving from the claimant of the species a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the species seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the species may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

Marketing.

98 STAT. 1719

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

16 USC 972h.

There are authorized to be appropriated for fiscal years after fiscal year 1984 such sums as may be necessary to carry out this Act.

Approved October 4, 1984.

LEGISLATIVE HISTORY—H.R. 5147:

HOUSE REPORT No. 98-721 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-559 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 30, May 1, considered and passed House.
  Sept. 21, considered and passed Senate.

Public Law 98-498
98th Congress

98 STAT. 2296

An Act

To provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes.

Oct. 19, 1984
[S. 1102]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MARINE SANCTUARIES

Marine Sanctuaries Amendments of 1984.
16 USC 1431 note.

SEC. 101. This title may be cited as the "Marine Sanctuaries Amendments of 1984".

SEC. 102. Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended to read as follows:

"TITLE III—NATIONAL MARINE SANCTUARIES

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES.

16 USC 1431.

"(a) FINDINGS.—The Congress finds that—

"(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but these efforts have been directed almost exclusively to land areas above the high-water mark;

"(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, research, educational, or esthetic qualities which give them special national significance;

"(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment;

"(4) a Federal program which identifies special areas of the marine environment will contribute positively to marine resources conservation and management; and

"(5) such a Federal program will also serve to enhance public awareness, understanding, appreciation, and wise use of the marine environment.

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify areas of the marine environment of special national significance due to their resource or human-use values;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas that will complement existing regulatory authorities;

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas;

"(4) to enhance public awareness, understanding, appreciation, and wise use of the marine environment; and

98 STAT. 2297

"(5) to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.

16 USC 1432.

"SEC. 302. DEFINITIONS.

"As used in this title, the term—

"(1) 'draft management plan' means the plan described in section 304(a)(1)(E);

"(2) 'Magnuson Act' means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

"(3) 'marine environment' means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law;

"(4) 'Secretary' means the Secretary of Commerce; and

"(5) 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

16 USC 1433.

"SEC. 303. SANCTUARY DESIGNATION STANDARDS.

"(a) STANDARDS.—The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary—

"(1) determines that the designation will fulfill the purposes and policies of this title; and

"(2) finds that—

"(A) the area is of special national significance due to its resource or human-use values;

"(B) existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

"(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

"(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

"(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING DETERMINATIONS AND FINDINGS.—

"(1) FACTORS.—For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall consider—

"(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

"(B) the area's historical, cultural, archaeological, or paleontological significance;

"(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

98 STAT. 2298

"(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

"(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

"(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

"(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

"(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development; and

"(I) the socioeconomic effects of sanctuary designation.

"(2) Consultation.—In making determinations and findings, the Secretary shall consult with—

"(A) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Secretaries of State, Defense, Transportation, and the Interior, the Administrator, and the heads of other interested Federal agencies;

"(C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

"(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson Act (16 U.S.C. 1852) that may be affected by the proposed designation; and

"(E) other interested persons.

"(3) Resource assessment report.—In making determinations and findings, the Secretary shall draft, as part of the environmental impact statement referred to in section 304(a)(1), a resource assessment report documenting present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial or recreational uses. The Secretary, in consultation with the Secretary of the Interior, shall draft a resource assessment section for the report regarding any commercial or recreational resource uses in the area under consideration that are subject to the primary jurisdiction of the Department of the Interior.

"SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

16 USC 1434.

"(a) Sanctuary Proposal.—

"(1) Notice.—In proposing to designate a national marine sanctuary, the Secretary shall—

Federal Register, publication.

"(A) issue, in the Federal Register, a notice of the proposal, proposed regulations that may be necessary and reasonable to implement the proposal, and a summary of the draft management plan;

Public information.

"(B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal; and

98 STAT. 2299

"(C) on the same day the notice required by subparagraph (A) is issued, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prospectus on the proposal which shall contain—

"(i) the terms of the proposed designation;

"(ii) the basis of the findings made under section 303(a) with respect to the area;

"(iii) an assessment of the considerations under section 303(b)(1);

"(iv) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(v) the draft management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and enforcement, including surveillance activities for the area;

"(vi) an estimate of the annual cost of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education;

"(vii) the draft environmental impact statement;

"(viii) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.); and

"(ix) the proposed regulations referred to in subparagraph (A).

"(2) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall—

"(A) prepare a draft environmental impact statement, as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), on the proposal that includes the resource assessment report required under section 303(b)(3), maps depicting the boundaries of the proposed designated area, and the existing and potential uses and resources of the area; and

Public availability.

"(B) make copies of the draft environmental impact statement available to the public.

"(3) PUBLIC HEARING.—No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

98 STAT. 2300

"(4) TERMS OF DESIGNATION.—The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

"(5) FISHING REGULATIONS.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the United States Fishery Conservation Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 301(a) of the Magnuson Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations.

"(6) COMMITTEE ACTION.—After receiving the prospectus under subsection (a)(1)(C), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the prospectus. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the prospectus, either Committee issues a report concerning matters addressed in the prospectus, the Secretary shall consider this report before publishing a notice to designate the national marine sanctuary.

"(b) TAKING EFFECT OF DESIGNATIONS.—

Federal Register, publication.
Regulations.
Public availability.
Effective date.

"(1) NOTICE.—In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(6). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless—

"(A) the designation or any of its terms is disapproved by enactment of a joint resolution of disapproval described in paragraph (3); or

"(B) in the case of a natural marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.

"(2) WITHDRAWAL OF DESIGNATION.—If the Secretary considers that actions taken under paragraph (1) (A) or (B) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation not disapproved under paragraph (1)(A) or not certified under paragraph (1)(B) shall take effect.

"(3) RESOLUTION OF DISAPPROVAL.—For the purposes of this subsection, the term 'resolution of disapproval' means a joint resolution which states after the resolving clause the following: 'That the Congress disapproves the national marine sanctuary designation entitled that was submitted to Congress by the Secretary of Commerce on .', the first blank space being filled with the title of the designation and the second blank space being filled with the date on which the notice was submitted to Congress. In the event that the disapproval is addressed to one or more terms of the designation, the joint resolution shall state after the resolving clause the following: 'That the Congress approves the national marine sanctuary designation entitled that was submitted to Congress by the Secretary of Commerce on but disapproves the following terms of such designation: .', the first blank space being filled with the title of the designation, the second blank space being filled with the date on which the notice was submitted to Congress, and the third blank space referencing each term of the designation which is disapproved.

"(4) PROCEDURES.—

"(A) In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) and paragraph (1) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

"(B) When the committee to which a joint resolution has been referred has reported such a resolution, it shall at any time thereafter be in order to move to proceed to the consideration of the resolution. The motion shall be privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

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"(C) This subsection is enacted by Congress as an exercise of the rulemaking power of each House of Congress, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the case of resolutions described in this subsection. This subsection supersedes other rules only to the extent that they are inconsistent therewith, and is enacted with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

"(c) ACCESS AND VALID RIGHTS.—

"(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access if the lease, permit, license, or right—

"(A) was in existence on the date of enactment of the Marine Sanctuaries Amendments of 1984, with respect to any national marine sanctuary designated before that date; or

"(B) is in existence on the date of designation of any national marine sanctuary, with respect to any national marine sanctuary designated after the date of enactment of the Marine Sanctuaries Amendments of 1984.

"(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

SEC. 305. APPLICATION OF REGULATIONS AND INTERNATIONAL NEGOTIATIONS.

16 USC 1435.

"(a) REGULATIONS.—The regulations issued under section 304 shall be applied in accordance with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to a person who is not a citizen, national, or resident alien of the United States, unless in accordance with—

"(1) generally recognized principles of international law;

"(2) an agreement between the United States and the foreign state of which the person is a citizen; or

"(3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

"(b) NEGOTIATIONS.—The Secretary of State, in consultation with the Secretary, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

"SEC. 306. RESEARCH AND EDUCATION.

16 USC 1436.

"The Secretary shall conduct research and educational programs as are necessary and reasonable to carry out the purposes and policies of this title.

"SEC. 307. ENFORCEMENT.

16 USC 1437.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title. The Secretary shall, whenever appropriate, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities on a reimbursable basis in carrying out the Secretary's responsibilities under this title.

"(b) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person subject to the jurisdiction of the United States who violates any regulation issued under this title shall be liable to the United States for a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) NOTICE.—No penalty shall be assessed under this subsection until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

"(3) IN REM JURISDICTION.—A vessel used in the violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

Courts, U.S.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued under this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States. The Attorney General may bring suit either on the Attorney General's own initiative or at the request of the Secretary.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

16 USC 1438.

"To carry out this title, there are authorized to be appropriated:

"(1) $3,000,000 for fiscal year 1985.

"(2) $3,300,000 for fiscal year 1986.

"(3) $3,600,000 for fiscal year 1987.

"(4) $3,900,000 for fiscal year 1988.

16 USC 1439.

"SEC. 309. SEVERABILITY.

"If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act and of the application of such provision to other persons and circumstances shall not be affected thereby.".

TITLE II—MARINE SAFETY

SUBTITLE A—INSPECTION AND REPORTING REQUIREMENTS

Maritime Safety Act of 1984.
Vessels.
46 USC 3301 note.

SEC. 210. This subtitle may be cited as the "Maritime Safety Act of 1984".

SEC. 211. (a) Section 3309 of title 46, United States Code, is amended by adding at the end:

"(c) At least 30 days (but not more than 60 days) before the current certificate of inspection issued to a vessel under subsection (a) of this section expires, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall submit to the Secretary in writing a notice that the vessel—

"(1) will be required to be inspected; or

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"(2) will not be operated so as to require an inspection.".

(b) Section 3311 of title 46, United States Code, is amended by—

(1) striking "A vessel" and substituting "(a) Except as provided in subsection (b), a vessel";

(2) striking the word "valid"; and

(3) inserting at the end the following:

"(b) The Secretary may direct the owner, charterer, managing operator, agent, master, or individual in charge of a vessel subject to inspection under this chapter and not having on board a certificate of inspection—

"(1) to have the vessel proceed to mooring and remain there until a certificate of inspection is issued;

"(2) to take immediate steps necessary for the safety of the vessel, individuals on board the vessel, or the environment; or

"(3) to have the vessel proceed to a place to make repairs necessary to obtain a certificate of inspection.".

(c) Section 3318 of title 46, United States Code, is amended as follows:

(1) Subsection (a) is amended by—

(A) striking "The" the first time it appears and substituting "Except as otherwise provided in this part, the"; and

(B) striking "$1,000, except that when the violation involves operation of a barge, the penalty is $500.", and substituting "not more than $5,000.".

(2) Subsection (c) is amended by striking "$2,000," and substituting "$5,000,".

(3) Subsection (d) is amended by striking "$2,000," and substituting "$5,000,".

(4) Subsection (e) is amended by striking "$2,000," and substituting "$10,000,".

(5) Subsection (f) is amended by striking "$5,000," and substituting "$10,000,".

(6) Subsection (g) is amended by striking "shall be fined not more than $10,000, imprisoned for not more than one year, or both," and substituting "is liable to the Government for a civil penalty of not more than $5,000,".

(7) Subsection (h) is amended by striking "United States Government for a civil penalty of not more than $500." and substituting "Government for a civil penalty of not more than $1,000.".

(8) At the end add the following:

"(i) A person violating section 3309(c) of this title is liable to the Government for a civil penalty of not more than $1,000.

"(j)(1) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel required to be inspected under this chapter operating the vessel without the certificate of inspection is liable to the Government for a civil penalty of not more than $10,000 for each day during which the violation occurs, except when the violation involves operation of a vessel of less than 1,600 gross tons, the penalty is not more than $2,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

"(2) A person is not liable for a penalty under this subsection if—

"(A) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has notified the Secretary under section 3309(c) of this title;

"(B) the owner, charterer, managing operator, agent, master, or individual in charge of the vessel has complied with all other directions and requirements for obtaining an inspection under this part; and

"(C) the Secretary believes that unforeseen circumstances exist so that it is not feasible to conduct a scheduled inspection before the expiration of the certificate of inspection.

"(k) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to comply with a direction issued by the Secretary under section 3311(b) of this title is liable to the Government for a civil penalty of not more than $10,000 for each day during which the violation occurs. The vessel also is liable in rem for the penalty.

"(l) A person committing an act described by subsections (b)–(f) of this section is liable to the Government for a civil penalty of not more than $5,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.".

SEC. 212. (a) Chapter 23 of title 46, United States Code is amended as follows:

(1) At the end of the chapter analysis, add the following:

"2306. Vessel reporting requirements.".

(2) In section 2301, strike "This chapter" and substitute "Except as provided in section 2306 of this title, this chapter".

(3) Add at the end the following:

"§ 2306. Vessel reporting requirements

46 USC 2306.

"(a)(1) An owner, charterer, managing operator, or agent of a vessel of the United States, having reason to believe (because of lack of communication with or nonappearance of a vessel or any other incident) that the vessel may have been lost or imperiled, immediately shall—

"(A) notify the Coast Guard; and

"(B) use all available means to determine the status of the vessel.

"(2) When more than 48 hours have passed since the owner, charterer, managing operator, or agent of a vessel required to report to the United States Flag Merchant Vessel Location Filing System under authority of section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a), has received a communication from the vessel, the owner, charterer, managing operator, or agent immediately shall—

"(A) notify the Coast Guard; and

"(B) use all available means to determine the status of the vessel.

"(3) A person notifying the Coast Guard under paragraph (1) or (2) of this subsection shall provide the name and identification number of the vessel, the names of individuals on board, and other information that may be requested by the Coast Guard. The owner, charterer, managing operator, or agent also shall submit written confirmation to the Coast Guard within 24 hours after nonwritten notification to the Coast Guard under those paragraphs.

"(4) An owner, charterer, managing operator, or agent violating this subsection is liable to the United States Government for a civil penalty of not more than $5,000 for each day during which the violation occurs.

"(b)(1) The master of a vessel of the United States required to report to the System shall report to the owner, charterer, managing operator, or agent at least once every 48 hours.

"(2) A master violating this subsection is liable to the Government for a civil penalty of not more than $1,000 for each day during which the violation occurs.

"(c) The Secretary may prescribe regulations to carry out this section.".

(b)(1) Section 6101 of title 46, United States Code, is amended—

(A) in subsection (a), by striking "and incidents"; and

(B) by striking subsection (c).

(2) Section 6103 of title 46, United States Code, is amended by striking "or incident".

SEC. 213. (a) Subsection (b) of section 4283 of the Revised Statutes of the United States (46 App. U.S.C. 183(b)) is amended by striking out "$60" each place it appears and inserting in lieu thereof "$420".

Effective date. 46 USC app. 183 note.

(b) The amendment made by subsection (a) shall apply to incidents occurring after the date of enactment of this Act.

Effective date. 46 USC 2306 note.

SEC. 214. Sections 211(a) and 212 of this subtitle are effective one hundred and eighty days after the date of enactment of this Act.

SUBTITLE B—RECREATIONAL DIVING SAFETY

Report.

SEC. 220. (a) Within one hundred and eighty days after the date of enactment of this section, the Rules of the Road Advisory Council and the National Boating Safety Advisory Council shall report to the Secretary of the department in which the Coast Guard is operating recommendations regarding the need for the display of a divers flag (traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe) or any other signal, if appropriate, to promote safety in recreational diving operations and navigation under the jurisdiction of the United States. In developing the recommendations, the Councils shall consider, as a minimum: visibility requirements; restriction of diver and vessel operations in a diving area; adequacy of, and conformity with, the laws of the States and international practice and with the laws of the United States governing navigation safety; appropriate penalties; and the views of the recreational diving community.

(b) Within one year after the date of enactment of this section, the Secretary of the department in which the Coast Guard is operating shall transmit to Congress the recommendations required under subsection (a) of this section and the Secretary's evaluation and recommendations for recreational diving safety and, as appropriate, proposed legislation to implement those recommendations.

TITLE III—NOAA CORPS

SUBTITLE A—HEALTH CARE

SEC. 310. (a) Section 3 of the Act of December 31, 1970 (33 U.S.C. 857-3) is amended by adding "(a)" after "SEC. 3." and by adding at the end the following new subsection:

"(b) The Secretary may provide medical and dental care, including care in private facilities, for personnel of the Administration entitled to that care by law or regulation.".

(b) The matter before subsection (b) in the first section of the Act of July 19, 1963 (42 U.S.C. 253a(a)), is amended by striking "at facilities of the Public Health Service: *Provided*, That" and inserting in lieu thereof "by the Public Health Service if".

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(c) The first sentence of subsection (b) of the first section of that Act (42 U.S.C. 253a(b)) is amended—

(1) by striking "at its hospitals and relief stations"; and

(2) by striking "at hospitals of the Public Health Service: *Provided*, That" and inserting in lieu thereof "by the Public Health Service if".

SUBTITLE B—PERSONNEL PROVISIONS

Government organization and employees.

SEC. 320. (a)(1) Sections 8 and 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853g, 853h) are amended to read as follows:

"SEC. 8. (a) As recommended by the personnel board—

"(1) an officer in the permanent grade of captain or commander may be transferred to the retired list; and

"(2) an officer in the permanent grade of lieutenant commander, lieutenant, or lieutenant (junior grade) who is not qualified for retirement may be separated from the service.

"(b) In any fiscal year, the total number of officers selected for retirement or separation under subsection (a) plus the number of officers retired for age may not exceed the whole number nearest four percent of the total number of officers authorized to be on the active list, except as otherwise provided by law.

"(c) Any retirement or separation under subsection (a) shall take effect on the first day of the sixth month beginning after the date on which the Secretary of Commerce approves the retirement or separation, except that if the officer concerned requests earlier retirement or separation, the date shall be as determined by the Secretary.

"SEC. 9. (a) An officer who is separated under section 8 and who has completed more than three years of continuous active service immediately before that separation is entitled to separation pay computed under subsection (b) unless the Secretary of Commerce determines that the conditions under which the officer is separated do not warrant payment of that pay.

"(b)(1) In the case of an officer who has completed five or more years of continuous active service immediately before that separation, the amount of separation pay which may be paid to the officer under this section is 10 percent of the product of (A) the years of active service creditable to the officer, and (B) twelve times the monthly basic pay to which the officer was entitled at the time of separation, or $30,000, whichever is less.

"(2) In the case of an officer who has completed three but fewer than five years of continuous active service immediately before that separation, the amount of separation pay which may be paid to the officer under this section is one-half of the amount computed under paragraph (1), but in no event more than $15,000.

"(c) In determining an officer's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

"(d)(1) A period for which an officer has previously received separation pay, severance pay, or readjustment pay under any other provision of law based on service in a uniformed service may not be included in determining the years of creditable service that may be counted in computing the separation pay of the officer under this section.

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"(2) The total amount that an officer may receive in separation pay under this section and separation pay, severance pay, and readjustment pay under any other provision of law based on service in a uniformed service may not exceed $30,000.

"(e)(1) An officer who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in a uniformed service and who later qualifies for retired pay under this Act shall have deducted from each payment of retired pay so much of that pay as is based on the service for which the officer received that separation pay, severance pay, or readjustment pay until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay received.

"(2) An officer who has received separation pay under this section may not be deprived, by reason of receipt of that pay, of any disability compensation to which the officer is entitled under the laws administered by the Veterans' Administration, but there shall be deducted from that disability compensation an amount equal to the total amount of separation pay received. Notwithstanding the preceding sentence, no deduction may be made from disability compensation for the amount of separation pay received because of an earlier discharge, separation, or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.".

(2) Section 1174(h)(1) of title 10, United States Code, is amended by striking out "severance pay" the first and second place it appears and inserting in lieu thereof "separation pay, severance pay,".

(b) Section 12(c) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853j-1(c)) is amended—

(1) by striking out "deemed necessary or desirable" and inserting in lieu thereof "determined";

(2) by striking out "alone provided" and inserting in lieu thereof "alone. Any";

(3) by striking out "will terminate" and inserting in lieu thereof "terminates"; and

(4) by striking out "assignment," and all that follows and inserting in lieu thereof "assignment.".

(c)(1) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a et seq.) is amended by adding at the end thereof the following new section:

33 USC 853u.

"SEC. 24. (a) The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that commissioned officers of the Administration, if serving in those positions, serve in the grade of vice admiral, rear admiral, or commodore as designated by the Secretary for each position, and may assign officers to those positions. An officer assigned to any position under this section has the grade designated for that position if appointed to that grade by the President, by and with the advice and consent of the Senate.

"(b) The number of officers serving on active duty under appointments under this section may not exceed—

"(1) one in the grade of vice admiral;

"(2) three in the grade of rear admiral; and

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"(3) three in the grade of commodore.

"(c) An officer appointed to a grade under this section, while serving in that grade, shall have the pay and allowances of the grade to which appointed.

"(d) An appointment of an officer under this section—

"(1) does not vacate the permanent grade held by the officer; and

"(2) creates a vacancy on the active list.

"(e) The provisions of section 2(g) of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.) apply to an officer who serves in a grade above captain under an appointment under this section in the same manner as if the officer served in that grade under section 2(d) or 2(f) of that Reorganization Plan.".

33 USC 853u note.

(2) After the date of the enactment of this Act, no appointment of a commissioned officer may be made under section 2(d) or 2(f) of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.).

(3) Effective as of December 28, 1977, section 3(a)(1) of Public Law 95-219 is amended by striking out "Section 2" and inserting in lieu thereof "Section 2(e)".

Effective date.
5 USC app.;
15 USC
1511 note.
33 USC 853u.

(4)(A) An officer of the commissioned corps of the National Oceanic and Atmospheric Administration who on the day before the date of the enactment of this Act was carried on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half shall after that date be serving in the grade of rear admiral.

(B) An officer who on the day before the date of the enactment of this Act was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date be serving in the grade of commodore, but shall (while serving in that grade) retain the title of rear admiral and be entitled to wear the uniform and insignia of a rear admiral.

(C) An officer who on the date before the date of the enactment of this Act held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral.

TITLE IV—FISHERIES

SUBTITLE A—PACIFIC FISHERIES DEVELOPMENT FOUNDATION

SEC. 410. Section 2 of the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-444; 16 U.S.C. 758e) is amended by striking out "Pacific Tuna Development Foundation" and inserting in lieu thereof "Pacific Fisheries Development Foundation".

SUBTITLE B—FISHERMEN'S CONTINGENCY FUND

SEC. 420. Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841 et seq.) is amended—

(1) by striking in section 403(a)(1) "limitation on" and substituting "limitation of not less than 90 days on"; 43 USC 1843.

(2) by striking out "25 per centum" in section 403(c)(1) and inserting in lieu thereof "50 percent";

(3) by striking out ", except" and all that follows thereafter in section 405(a) and inserting in lieu thereof "under subsection (d)(1)."; and 43 USC 1845.

98 STAT. 2310

(4) by inserting "time," before "form" in section 405(d)(1). 43 USC 1845.

SUBTITLE C—FISHERIES LOAN FUND

SEC. 430. The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1984" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1986"; and 16 USC 742c.

(2) by striking out "1982, 1983, and 1984." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, 1984, 1985, and 1986.". 16 USC 742f.

SEC. 431. Section 221(a) of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by amending subsection (a)—

  (A) by amending the side heading to read as follows: "LOAN AUTHORITY.—", and

  (B) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986";

(2) by amending subsection (b)—

  (A) by striking out "each of fiscal years 1982, 1983, 1984," in paragraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, 1984, 1985, and 1986,", and

  (B) by striking out "1981, 1982, 1983, and 1984" in paragraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, 1984, 1985, and 1986"; and

(3) by striking out "any of fiscal years 1981, 1982, 1983, and 1984," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, 1984, 1985, and 1986,".

Securities. 16 USC 742c-1.

SEC. 432. All moneys in the Fisheries Loan Fund established under Section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c), as amended, shall be invested by the Secretary of Commerce in obligations of the United States, except so much as shall be currently needed for loans or administrative expenses authorized under the Fisheries Loan Fund. All accrued proceeds from such investment shall be, subject to amounts provided in advance by appropriations, credited by the Secretary of the Treasury to the debt of the Secretary of Commerce incurred under section 1105(d) of the Merchant Marine Act, 1936 (46 U.S.C. 1275), as amended, in connection with fisheries financing under title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1280), as amended, for so long as such debt exists. All accrued proceeds from such investment, after such debt has been liquidated, shall be, subject to amounts provided in advance by appropriations, credited to the fisheries portion of the Federal Ship Financing Fund established under section 1102 of the Merchant Marine Act, 1936 (46 U.S.C. 1272), as amended, and used for the fisheries purposes provided in title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1280), as amended.

SUBTITLE D—GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH THE HOME GOVERNMENT OF THE FAROE ISLANDS AND THE GOVERNMENT OF DENMARK

16 USC 1824 note.

SEC. 440. Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act of 1976, the Governing International Fishery Agreement between the Government of the United States of America of the One Part and the Home Government of the Faroe Islands and the Government of Denmark of the Other Part Concerning Faroese Fishing in Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated July 13, 1984—

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(1) is approved by Congress as a governing international fishery agreement for purposes of that Act; and

(2) may enter into force with respect to the United States in accordance with the terms of Article XVI of the Agreement following the enactment of this title.

TITLE V—VESSELS

SEC. 510. Notwithstanding sections 12105(d), 12106(a)(2), 12107(a)(2), and 12108(a)(2) of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 833), as applicable, the Secretary of the department in which the Coast Guard is operating may issue certificates of documentation for the following vessels—

(a) Wingaway, official number 654146;
(b) Endless Summer, official number 296259;
(c) Muskegon Clipper, official number 252908;
(d) Scuba King, official number 532376;
(e) Ululani, official number 239729;
(f) No Slack, official number 587630; and
(g) La Jolie, Michigan registration number MC2780LB.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1102:

SENATE REPORT No. 98-280 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 18, considered and passed Senate.
Vol. 130 (1984): Sept. 14, considered and passed House, amended.
Oct. 2, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct. 19, Presidential statement.

Public Law 98-549
98th Congress

98 STAT. 2779

An Act

To amend the Communications Act of 1934 to provide a national policy regarding cable television.

Oct. 30, 1984
[S. 66]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Cable Communications Policy Act of 1984.

SHORT TITLE; TABLE OF CONTENTS

Section 1. (a) This Act may be cited as the "Cable Communications Policy Act of 1984".

47 USC 609 note.

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Communications Act of 1934.

"TITLE VI—CABLE COMMUNICATIONS

"Part I—General Provisions

"Sec. 601. Purposes.
"Sec. 602. Definitions.

"Part II—Use of Cable Channels and Ownership Restrictions

"Sec. 611. Cable channels for public, educational, or governmental use.
"Sec. 612. Cable channels for commercial use.
"Sec. 613. Ownership restrictions.

"Part III—Franchising and Regulation

"Sec. 621. General franchise requirements.
"Sec. 622. Franchise fees.
"Sec. 623. Regulation of rates.
"Sec. 624. Regulation of services, facilities, and equipment.
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"Part IV—Miscellaneous Provisions

"Sec. 631. Protection of subscriber privacy.
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"Sec. 637. Existing franchises.
"Sec. 638. Criminal and civil liability.
"Sec. 639. Obscene programming.".

Sec. 3. Jurisdiction.
Sec. 4. Pole attachments.
Sec. 5. Unauthorized reception of certain communications.
Sec. 6. Technical and conforming amendments.
Sec. 7. Support of activities of the United States Telecommunications Training Institute.
Sec. 8. Telecommunications Policy Study Commission.
Sec. 9. Effective date.

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AMENDMENT OF COMMUNICATIONS ACT OF 1934

Sec. 2. The Communications Act of 1934 is amended by inserting after title V the following new title:

"TITLE VI—CABLE COMMUNICATIONS

"Part I—General Provisions

"PURPOSES

"Sec. 601. The purposes of this title are to—

47 USC 521.

"(1) establish a national policy concerning cable communications;

"(2) establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community;

"(3) establish guidelines for the exercise of Federal, State, and local authority with respect to the regulation of cable systems;

"(4) assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public;

"(5) establish an orderly process for franchise renewal which protects cable operators against unfair denials of renewal where the operator's past performance and proposal for future performance meet the standards established by this title; and

"(6) promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.

"DEFINITIONS

47 USC 522.

"SEC. 602. For purposes of this title—

"(1) the term 'affiliate', when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;

"(2) the term 'basic cable service' means any service tier which includes the retransmission of local television broadcast signals;

"(3) the term 'cable channel' or 'channel' means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation);

"(4) the term 'cable operator' means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(5) the term 'cable service' means—

"(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and

"(B) subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

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"(6) the term 'cable system' means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of this Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c)) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility systems;

"(7) the term 'Federal agency' means any agency of the United States, including the Commission;

"(8) the term 'franchise' means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to section 626), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system;

"(9) the term 'franchising authority' means any governmental entity empowered by Federal, State, or local law to grant a franchise;

"(10) the term 'grade B contour' means the field strength of a television broadcast station computed in accordance with regulations promulgated by the Commission;

"(11) the term 'other programming service' means information that a cable operator makes available to all subscribers generally;

"(12) the term 'person' means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity;

"(13) the term 'public, educational, or governmental access facilities' means—

"(A) channel capacity designated for public, educational, or governmental use; and

"(B) facilities and equipment for the use of such channel capacity;

"(14) the term 'service tier' means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator;

"(15) the term 'State' means any State, or political subdivision, or agency thereof; and

"(16) the term 'video programming' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

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"PART II—USE OF CABLE CHANNELS AND CABLE OWNERSHIP RESTRICTIONS

"CABLE CHANNELS FOR PUBLIC, EDUCATIONAL, OR GOVERNMENTAL USE

"SEC. 611. (a) A franchising authority may establish requirements in a franchise with respect to the designation or use of channel capacity for public, educational, or governmental use only to the extent provided in this section. 47 USC 531.

"(b) A franchising authority may in its request for proposals require as part of a franchise, and may require as part of a cable operator's proposal for a franchise renewal, subject to section 626, that channel capacity be designated for public, educational, or governmental use, and channel capacity on institutional networks be designated for educational or governmental use, and may require rules and procedures for the use of the channel capacity designated pursuant to this section.

"(c) A franchising authority may enforce any requirement in any franchise regarding the providing or use of such channel capacity. Such enforcement authority includes the authority to enforce any provisions of the franchise for services, facilities, or equipment proposed by the cable operator which relate to public, educational, or governmental use of channel capacity, whether or not required by the franchising authority pursuant to subsection (b).

"(d) In the case of any franchise under which channel capacity is designated under subsection (b), the franchising authority shall prescribe—

"(1) rules and procedures under which the cable operator is permitted to use such channel capacity for the provision of other services if such channel capacity is not being used for the purposes designated, and

"(2) rules and procedures under which such permitted use shall cease.

"(e) Subject to section 624(d), a cable operator shall not exercise any editorial control over any public, educational, or governmental use of channel capacity provided pursuant to this section.

"(f) For purposes of this section, the term 'institutional network' means a communication network which is constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers.

"CABLE CHANNELS FOR COMMERCIAL USE

47 USC 532.

"SEC. 612. (a) The purpose of this section is to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with growth and development of cable systems.

"(b)(1) A cable operator shall designate channel capacity for commercial use by persons unaffiliated with the operator in accordance with the following requirements:

"(A) An operator of any cable system with 36 or more (but not more than 54) activated channels shall designate 10 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

"(B) An operator of any cable system with 55 or more (but not more than 100) activated channels shall designate 15 percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.

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"(C) An operator of any cable system with more than 100 activated channels shall designate 15 percent of all such channels.

"(D) An operator of any cable system with fewer than 36 activated channels shall not be required to designate channel capacity for commercial use by persons unaffiliated with the operator, unless the cable system is required to provide such channel capacity under the terms of a franchise in effect on the date of the enactment of this title.

"(E) An operator of any cable system in operation on the date of the enactment of this title shall not be required to remove any service actually being provided on July 1, 1984, in order to comply with this section, but shall make channel capacity available for commercial use as such capacity becomes available until such time as the cable operator is in full compliance with this section.

"(2) Any Federal agency, State, or franchising authority may not require any cable system to designate channel capacity for commercial use by unaffiliated persons in excess of the capacity specified in paragraph (1), except as otherwise provided in this section.

"(3) A cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal, subject to section 626, to designate channel capacity for any use (other than commercial use by unaffiliated persons under this section) except as provided in sections 611 and 637, but a cable operator may offer in a franchise, or proposal for renewal thereof, to provide, consistent with applicable law, such capacity for other than commercial use by such persons.

"(4) A cable operator may use any unused channel capacity designated pursuant to this section until the use of such channel capacity is obtained, pursuant to a written agreement, by a person unaffiliated with the operator.

"(5) For the purposes of this section—

"(A) the term 'activated channels' means those channels engineered at the headend of the cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use; and

"(B) the term 'commercial use' means the provision of video programming, whether or not for profit.

"(6) Any channel capacity which has been designated for public, educational, or governmental use may not be considered as designated under this section for commercial use for purpose of this section.

"(c)(1) If a person unaffiliated with the cable operator seeks to use channel capacity designated pursuant to subsection (b) for commercial use, the cable operator shall establish, consistent with the purpose of this section, the price, terms, and conditions of such use which are at least sufficient to assure that such use will not adversely affect the operation, financial condition, or market development of the cable system.

"(2) A cable operator shall not exercise any editorial control over any video programming provided pursuant to this section, or in any other way consider the content of such programming, except that an operator may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person.

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"(3) Any cable system channel designated in accordance with this section shall not be used to provide a cable service that is being provided over such system on the date of the enactment of this title, if the provision of such programming is intended to avoid the purpose of this section.

Courts, U.S.

"(d) Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available for use pursuant to this section may bring an action in the district court of the United States for the judicial district in which the cable system is located to compel that such capacity be made available. If the court finds that the channel capacity sought by such person has not been made available in accordance with this section, or finds that the price, terms, or conditions established by the cable operator are unreasonable, the court may order such system to make available to such person the channel capacity sought, and further determine the appropriate price, terms, or conditions for such use consistent with subsection (c), and may award actual damages if it deems such relief appropriate. In any such action, the court shall not consider any price, term, or condition established between an operator and an affiliate for comparable services.

"(e)(1) Any person aggrieved by the failure or refusal of a cable operator to make channel capacity available pursuant to this section may petition the Commission for relief under this subsection upon a showing of prior adjudicated violations of this section. Records of previous adjudications resulting in a court determination that the operator has violated this section shall be considered as sufficient for the showing necessary under this subsection. If the Commission finds that the channel capacity sought by such person has not been made available in accordance with this section, or that the price, terms, or conditions established by such system are unreasonable under subsection (c), the Commission shall, by rule or order, require such operator to make available such channel capacity under price, terms, and conditions consistent with subsection (c).

"(2) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by an operator, the Commission may also establish any further rule or order necessary to assure that the operator provides the diversity of information sources required by this section.

"(3) In any case in which the Commission finds that the prior adjudicated violations of this section constitute a pattern or practice of violations by any person who is an operator of more than one cable system, the Commission may also establish any further rule or order necessary to assure that such person provides the diversity of information sources required by this section.

"(f) In any action brought under this section in any Federal district court or before the Commission, there shall be a presumption that the price, terms, and conditions for use of channel capacity designated pursuant to subsection (b) are reasonable and in good faith unless shown by clear and convincing evidence to the contrary.

"(g) Notwithstanding sections 621(c) and 623(a), at such time as cable systems with 36 or more activated channels are available to 70 percent of households within the United States and are subscribed to by 70 percent of the households to which such systems are available, the Commission may promulgate any additional rules necessary to provide diversity of information sources. Any rules promulgated by the Commission pursuant to this subsection shall not preempt authority expressly granted to franchising authorities under this title.

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"(h) Any cable service offered pursuant to this section shall not be provided, or shall be provided subject to conditions, if such cable service in the judgment of the franchising authority is obscene, or is in conflict with community standards in that it is lewd, lascivious, filthy, or indecent or is otherwise unprotected by the Constitution of the United States.

"OWNERSHIP RESTRICTIONS

47 USC 533.

"SEC. 613. (a) It shall be unlawful for any person to be a cable operator if such person, directly or through 1 or more affiliates, owns or controls, the licensee of a television broadcast station and the predicted grade B contour of such station covers any portion of the community served by such operator's cable system.

47 USC 201.

"(b)(1) It shall be unlawful for any common carrier, subject in whole or in part to title II of this Act, to provide video programming directly to subscribers in its telephone service area, either directly or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the common carrier.

"(2) It shall be unlawful for any common carrier, subject in whole or in part to title II of this Act, to provide channels of communications or pole line conduit space, or other rental arrangements, to any entity which is directly or indirectly owned by, operated by, controlled by, or under common control with such common carrier, if such facilities or arrangements are to be used for, or in connection with, the provision of video programming directly to subscribers in the telephone service area of the common carrier.

"(3) This subsection shall not apply to any common carrier to the extent such carrier provides telephone exchange service in any rural area (as defined by the Commission).

"(4) In those areas where the provision of video programming directly to subscribers through a cable system demonstrably could not exist except through a cable system owned by, operated by, controlled by, or affiliated with the common carrier involved, or upon other showing of good cause, the Commission may, on petition for waiver, waive the applicability of paragraphs (1) and (2) of this subsection. Any such waiver shall be made in accordance with section 63.56 of title 47, Code of Federal Regulations (as in effect September 20, 1984) and shall be granted by the Commission upon a finding that the issuance of such waiver is justified by the particular circumstances demonstrated by the petitioner, taking into account the policy of this subsection.

"(c) The Commission may prescribe rules with respect to the ownership or control of cable systems by persons who own or control other media of mass communications which serve the same community served by a cable system.

"(d) Any State or franchising authority may not prohibit the ownership or control of a cable system by any person because of such person's ownership or control of any media of mass communications or other media interests.

"(e)(1) Subject to paragraph (2), a State or franchising authority may hold any ownership interest in any cable system.

"(2) Any State or franchising authority shall not exercise any editorial control regarding the content of any cable service on a cable system in which such governmental entity holds ownership interest (other than programming on any channel designated for educational or governmental use), unless such control is exercised through an entity separate from the franchising authority.

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"(f) This section shall not apply to prohibit any combination of any interests held by any person on July 1, 1984, to the extent of the interests so held as of such date, if the holding of such interests was not inconsistent with any applicable Federal or State law or regulations in effect on that date.

"(g) For purposes of this section, the term 'media of mass communications' shall have the meaning given such term under section 309(i)(3)(C)(i) of this Act. 47 USC 309.

"PART III—FRANCHISING AND REGULATION

"GENERAL FRANCHISE REQUIREMENTS

"SEC. 621. (a)(1) A franchising authority may award, in accordance with the provisions of this title, 1 or more franchises within its jurisdiction. 47 USC 541.

"(2) Any franchise shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure—

"(A) that the safety, functioning, and appearance of the property and the convenience and safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

"(B) that the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both; and

"(C) that the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation, or removal of such facilities by the cable operator.

"(3) In awarding a franchise or franchises, a franchising authority shall assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

"(b)(1) Except to the extent provided in paragraph (2), a cable operator may not provide cable service without a franchise.

"(2) Paragraph (1) shall not require any person lawfully providing cable service without a franchise on July 1, 1984, to obtain a franchise unless the franchising authority so requires.

"(c) Any cable system shall not be subject to regulation as a common carrier or utility by reason of providing any cable service.

"(d)(1) A State or the Commission may require the filing of informational tariffs for any intrastate communications service provided by a cable system, other than cable service, that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act. 47 USC 201.
Such informational tariffs shall specify the rates, terms, and conditions for the provision of such service, including whether it is made available to all subscribers generally, and shall take effect on the date specified therein.

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"(2) Nothing in this title shall be construed to affect the authority of any State to regulate any cable operator to the extent that such operator provides any communication service other than cable service, whether offered on a common carrier or private contract basis.

"(3) For purposes of this subsection, the term 'State' has the meaning given it in section 3(v). 47 USC 153.

"(e) Nothing in this title shall be construed to affect the authority of any State to license or otherwise regulate any facility or combination of facilities which serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management and which does not use any public right-of-way.

"FRANCHISE FEES

47 USC 542.

"SEC. 622. (a) Subject to the limitation of subsection (b), any cable operator may be required under the terms of any franchise to pay a franchise fee.

"(b) For any twelve-month period, the franchise fees paid by a cable operator with respect to any cable system shall not exceed 5 percent of such cable operator's gross revenues derived in such period from the operation of the cable system. For purposes of this section, the 12-month period shall be the 12-month period applicable under the franchise for accounting purposes. Nothing in this subsection shall prohibit a franchising authority and a cable operator from agreeing that franchise fees which lawfully could be collected for any such 12-month period shall be paid on a prepaid or deferred basis; except that the sum of the fees paid during the term of the franchise may not exceed the amount, including the time value of money, which would have lawfully been collected if such fees had been paid per annum.

"(c) A cable operator may pass through to subscribers the amount of any increase in a franchise fee, unless the franchising authority demonstrates that the rate structure specified in the franchise reflects all costs of franchise fees and so notifies the cable operator in writing.

"(d) In any court action under subsection (c), the franchising authority shall demonstrate that the rate structure reflects all costs of the franchise fees.

"(e) Any cable operator shall pass through to subscribers the amount of any decrease in a franchise fee.

"(f) A cable operator may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the bill.

"(g) For the purposes of this section—

"(1) the term 'franchise fee' includes any tax, fee, or assessment of any kind imposed by a franchising authority or other governmental entity on a cable operator or cable subscriber, or both, solely because of their status as such;

"(2) the term 'franchise fee' does not include—

"(A) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable subscribers);

"(B) in the case of any franchise in effect on the date of the enactment of this title, payments which are required by the franchise to be made by the cable operator during the term of such franchise for, or in support of the use of, public, educational, or governmental access facilities;

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"(C) in the case of any franchise granted after such date of enactment, capital costs which are required by the franchise to be incurred by the cable operator for public, educational, or governmental access facilities;

"(D) requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

"(E) any fee imposed under title 17, United States Code.

"(h)(1) Nothing in this Act shall be construed to limit any authority of a franchising authority to impose a tax, fee, or other assessment of any kind on any person (other than a cable operator) with respect to cable service or other communications service provided by such person over a cable system for which charges are assessed to subscribers but not received by the cable operator.

"(2) For any 12-month period, the fees paid by such person with respect to any such cable service or other communications service shall not exceed 5 percent of such person's gross revenues derived in such period from the provision of such service over the cable system.

"(i) Any Federal agency may not regulate the amount of the franchise fees paid by a cable operator, or regulate the use of funds derived from such fees, except as provided in this section.

"REGULATION OF RATES

"SEC. 623. (a) Any Federal agency or State may not regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section. 47 USC 543.

"(b)(1) Within 180 days after the date of the enactment of this title, the Commission shall prescribe and make effective regulations which authorize a franchising authority to regulate rates for the provision of basic cable service in circumstances in which a cable system is not subject to effective competition. Such regulations may apply to any franchise granted after the effective date of such regulations. Such regulations shall not apply to any rate while such rate is subject to the provisions of subsection (c).

"(2) For purposes of rate regulation under this subsection, such regulations shall—

"(A) define the circumstances in which a cable system is not subject to effective competition; and

"(B) establish standards for such rate regulation.

"(3) The Commission shall periodically review such regulations, taking into account developments in technology, and may amend such regulations, consistent with paragraphs (1) and (2), to the extent the Commission determines necessary.

"(c) In the case of any cable system for which a franchise has been granted on or before the effective date of this title, until the end of the 2-year period beginning on such effective date, the franchising authority may, to the extent provided in a franchise—

"(1) regulate the rates for the provision of basic cable service, including multiple tiers of basic cable service;

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"(2) require the provision of any service tier provided without charge (disregarding any installation or rental charge for equipment necessary for receipt of such tier); or

"(3) regulate rates for the initial installation or the rental of 1 set of the minimum equipment which is necessary for the subscriber's receipt of basic cable service.

"(d) Any request for an increase in any rate regulated pursuant to subsection (b) or (c) for which final action is not taken within 180 days after receipt of such request by the franchising authority shall be deemed to be granted, unless the 180-day period is extended by mutual agreement of the cable operator and the franchising authority.

"(e)(1) In addition to any other rate increase which is subject to the approval of a franchising authority, any rate subject to regulation pursuant to this section may be increased after the effective date of this title at the discretion of the cable operator by an amount not to exceed 5 percent per year if the franchise (as in effect on the effective date of this title) does not specify a fixed rate or rates for basic cable service for a specified period or periods which would be exceeded if such increase took effect.

"(2) Nothing in this section shall be construed to limit provisions of a franchise which permits a cable operator to increase any rate at the operator's discretion; however, the aggregate increases per year allowed under paragraph (1) shall be reduced by the amount of any increase taken such year under such franchise provisions.

"(f) Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority, from—

"(1) prohibiting discrimination among customers of basic cable service, or

"(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

"(g) Any State law in existence on the effective date of this title which provides for any limitation or preemption of regulation by any franchising authority (or the State or any political subdivision or agency thereof) of rates for cable service shall remain in effect during the 2-year period beginning on such effective date, to the extent such law provides for such limitation or preemption. As used in this section, the term 'State' has the meaning given it in section 3(v).

47 USC 153.
Report.

"(h) Not later than 6 years after the date of the enactment of this title, the Commission shall prepare and submit to the Congress a report regarding rate regulation of cable services, including such legislative recommendations as the Commission considers appropriate. Such report and recommendations shall be based on a study of such regulation which the Commission shall conduct regarding the effect of competition in the marketplace.

"REGULATION OF SERVICES, FACILITIES, AND EQUIPMENT

47 USC 544.

"SEC. 624. (a) Any franchising authority may not regulate the services, facilities, and equipment provided by a cable operator except to the extent consistent with this title.

"(b) In the case of any franchise granted after the effective date of this title, the franchising authority, to the extent related to the establishment or operation of a cable system—

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"(1) in its request for proposals for a franchise (including requests for renewal proposals, subject to section 626), may establish requirements for facilities and equipment, but may not establish requirements for video programming or other information services; and

"(2) subject to section 625, may enforce any requirements contained within the franchise—

"(A) for facilities and equipment; and

"(B) for broad categories of video programming or other services.

"(c) In the case of any franchise in effect on the effective date of this title, the franchising authority may, subject to section 625, enforce requirements contained within the franchise for the provision of services, facilities, and equipment, whether or not related to the establishment or operation of a cable system.

"(d)(1) Nothing in this title shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the Constitution of the United States.

"(2)(A) In order to restrict the viewing of programming which is obscene or indecent, upon the request of a subscriber, a cable operator shall provide (by sale or lease) a device by which the subscriber can prohibit viewing of a particular cable service during periods selected by that subscriber.

Effective date.

"(B) Subparagraph (A) shall take effect 180 days after the effective date of this title.

"(e) The Commission may establish technical standards relating to the facilities and equipment of cable systems which a franchising authority may require in the franchise.

"(f)(1) Any Federal agency, State, or franchising authority may not impose requirements regarding the provision or content of cable services, except as expressly provided in this title.

"(2) Paragraph (1) shall not apply to—

"(A) any rule, regulation, or order issued under any Federal law, as such rule, regulation, or order (i) was in effect on September 21, 1983, or (ii) may be amended after such date if the rule, regulation, or order as amended is not inconsistent with the express provisions of this title; and

"(B) any rule, regulation, or order under title 17, United States Code.

"MODIFICATION OF FRANCHISE OBLIGATIONS

"SEC. 625. (a)(1) During the period a franchise is in effect, the cable operator may obtain from the franchising authority modifications of the requirements in such franchise— 47 USC 545.

"(A) in the case of any such requirement for facilities or equipment, including public, educational, or governmental access facilities or equipment, if the cable operator demonstrates that (i) it is commercially impracticable for the operator to comply with such requirement, and (ii) the proposal by the cable operator for modification of such requirement is appropriate because of commercial impracticability; or

"(B) in the case of any such requirement for services, if the cable operator demonstrates that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

"(2) Any final decision by a franchising authority under this subsection shall be made in a public proceeding. Such decision shall be made within 120 days after receipt of such request by the franchising authority, unless such 120 day period is extended by mutual agreement of the cable operator and the franchising authority.

"(b)(1) Any cable operator whose request for modification under subsection (a) has been denied by a final decision of a franchising authority may obtain modification of such franchise requirements pursuant to the provisions of section 635. Courts, U.S.

"(2) In the case of any proposed modification of a requirement for facilities or equipment, the court shall grant such modification only if the cable operator demonstrates to the court that—

"(A) it is commercially impracticable for the operator to comply with such requirement; and

"(B) the terms of the modification requested are appropriate because of commercial impracticability.

"(3) In the case of any proposed modification of a requirement for services, the court shall grant such modification only if the cable operator demonstrates to the court that the mix, quality, and level of services required by the franchise at the time it was granted will be maintained after such modification.

"(c) Notwithstanding subsections (a) and (b), a cable operator may, upon 30 days' advance notice to the franchising authority, rearrange, replace, or remove a particular cable service required by the franchise if—

"(1) such service is no longer available to the operator; or

"(2) such service is available to the operator only upon the payment of a royalty required under section 801(b)(2) of title 17, United States Code, which the cable operator can document—

"(A) is substantially in excess of the amount of such payment required on the date of the operator's offer to provide such service, and

"(B) has not been specifically compensated for through a rate increase or other adjustment.

"(d) Notwithstanding subsections (a) and (b), a cable operator may take such actions to rearrange a particular service from one service tier to another, or otherwise offer the service, if the rates for all of the service tiers involved in such actions are not subject to regulation under section 623.

"(e) A cable operator may not obtain modification under this section of any requirement for services relating to public, educational, or governmental access.

"(f) For purposes of this section, the term 'commercially impracticable' means, with respect to any requirement applicable to a cable operator, that it is commercially impracticable for the operator to comply with such requirement as a result of a change in conditions which is beyond the control of the operator and the nonoccurrence of which was a basic assumption on which the requirement was based.

"RENEWAL

47 USC 546.

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"SEC. 626. (a) During the 6-month period which begins with the 36th month before the franchise expiration, the franchising authority may on its own initiative, and shall at the request of the cable operator, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of—

"(1) identifying the future cable-related community needs and interests; and

"(2) reviewing the performance of the cable operator under the franchise during the then current franchise term.

"(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

"(2) Subject to section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

"(3) The franchising authority may establish a date by which such proposal shall be submitted.

"(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the completion of any proceedings under subsection (a), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether—

"(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

"(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

"(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

"(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

"(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

"(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

"(d) Any denial of a proposal for renewal shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the effective date of this title unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or has effectively acquiesced.

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"(e)(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 635.

"(2) The court shall grant appropriate relief if the court finds that—

"(A) any action of the franchising authority is not in compliance with the procedural requirements of this section; or

"(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c).

"(f) Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

"(g) For purposes of this section, the term 'franchise expiration' means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on the date of the enactment of this title.

"(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g).

"CONDITIONS OF SALE

47 USC 547.

"SEC. 627. (a) If a renewal of a franchise held by a cable operator is denied and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

"(1) at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the franchise itself, or

"(2) in the case of any franchise existing on the effective date of this title, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

"(b) If a franchise held by a cable operator is revoked for cause and the franchising authority acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be—

"(1) at an equitable price, or

"(2) in the case of any franchise existing on the effective date of this title, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

"PART IV—MISCELLANEOUS PROVISIONS

"PROTECTION OF SUBSCRIBER PRIVACY

47 USC 551.

"SEC. 631. (a)(1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of—

"(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

"(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

"(C) the period during which such information will be maintained by the cable operator;

"(D) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

"(E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

"(2) For purposes of this section, the term 'personally identifiable information' does not include any record of aggregate data which does not identify particular persons.

"(b)(1) Except as provided in paragraph (2), a cable operator shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

"(2) A cable operator may use the cable system to collect such information in order to—

"(A) obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or

"(B) detect unauthorized reception of cable communications.

"(c)(1) Except as provided in paragraph (2), a cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

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"(2) A cable operator may disclose such information if the disclosure is—

"(A) necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator to the subscriber;

"(B) subject to subsection (h), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

"(C) a disclosure of the names and addresses of subscribers to any cable service or other service, if—

"(i) the cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure, and

"(ii) the disclosure does not reveal, directly or indirectly, the—

"(I) extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, or

"(II) the nature of any transaction made by the subscriber over the cable system of the cable operator.

"(d) A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

"(e) A cable operator shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

"(f)(1) Any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in a United States district court. Courts, U.S.

"(2) The court may award—

"(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

"(B) punitive damages; and

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

"(3) The remedy provided by this section shall be in addition to any other lawful remedy available to a cable subscriber.

"(g) Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

"(h) A governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

"(1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

"(2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

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"CONSUMER PROTECTION

"SEC. 632. (a) A franchising authority may require, as part of a franchise (including a franchise renewal, subject to section 626), provisions for enforcement of— 47 USC 552.

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements of the cable operator.

"(b) A franchising authority may enforce any provision, contained in any franchise, relating to requirements described in paragraph (1) or (2) of subsection (a), to the extent not inconsistent with this title.

"(c) Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not inconsistent with this title.

"UNAUTHORIZED RECEPTION OF CABLE SERVICE

"SEC. 633. (a)(1) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law. 47 USC 553.

"(2) For the purpose of this section, the term 'assist in intercepting or receiving' shall include the manufacture or distribution of equipment intended by the manufacturer or distributor (as the case may be) for unauthorized reception of any communications service offered over a cable system in violation of subparagraph (1).

Crimes and misdemeanors.

"(b)(1) Any person who willfully violates subsection (a)(1) shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

"(2) Any person who violates subsection (a)(1) willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both, for the first such offense and shall be fined not more than $50,000 or imprisoned for not more than 2 years, or both, for any subsequent offense.

Courts, U.S.

"(c)(1) Any person aggrieved by any violation of subsection (a)(1) may bring a civil action in a United States district court or in any other court of competent jurisdiction.

"(2) The court may—

"(A) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a)(1);

"(B) award damages as described in paragraph (3); and

"(C) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

"(3)(A) Damages awarded by any court under this section shall be computed in accordance with either of the following clauses:

"(i) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

"(ii) the party aggrieved may recover an award of statutory damages for all violations involved in the action, in a sum of not less than $250 or more than $10,000 as the court considers just.

"(B) In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory under subparagraph (A), by an amount of not more than $50,000.

"(C) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(D) Nothing in this title shall prevent any State or franchising authority from enacting or enforcing laws, consistent with this section, regarding the unauthorized interception or reception of any cable service or other communications service.

"EQUAL EMPLOYMENT OPPORTUNITY

47 USC 554.

"SEC. 634. (a) This section shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of any cable system.

"(b) Equal opportunity in employment shall be afforded by each entity specified in subsection (a), and no person shall be discriminated against in employment by such entity because of race, color, religion, national origin, age, or sex.

"(c) Any entity specified in subsection (a) shall establish, maintain, and execute a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of its employment policies and practices. Under the terms of its program, each such entity shall—

"(1) define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

"(2) inform its employees and recognized employee organizations of the equal employment opportunity policy and program and enlist their cooperation;

"(3) communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, age, or sex, and solicit their recruitment assistance on a continuing basis;

"(4) conduct a continuing program to exclude every form of prejudice or discrimination based on race, color, religion, national origin, age, or sex, from its personnel policies and practices and working conditions; and

"(5) conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all its organizational units, occupations, and levels of responsibility.

Regulations.

"(d)(1) Not later than 270 days after the effective date of this section, and after notice and opportunity for hearing, the Commission shall prescribe rules to carry out this section.

Minorities. Women.

"(2) Such rules shall specify the terms under which an entity specified in subsection (a) shall, to the extent possible—

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"(A) disseminate its equal opportunity program to job applicants, employees, and those with whom it regularly does business;

"(B) use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, to supply referrals whenever jobs are available in its operation;

"(C) evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area;

"(D) undertake to offer promotions of minorities and women to positions of greater responsibility;

"(E) encourage minority and female entrepreneurs to conduct business with all parts of its operation; and

"(F) analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program.

Report.

"(3) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(A) officials and managers;
"(B) professionals;
"(C) technicians;
"(D) sales persons;
"(E) office and clerical personnel;
"(F) skilled craft persons;
"(G) semiskilled operatives;
"(H) unskilled laborers; and
"(I) service workers.

Public availability.

The report shall include the number of minorities and women in the relevant labor market for each of the above categories. The statistical report shall be available to the public at the central office and at every location where more than 5 full-time employees are regularly assigned to work.

"(4) The Commission may amend such rules from time to time to the extent necessary to carry out the provisions of this section. Any such amendment shall be made after notice and opportunity for comment.

"(e)(1) On an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the report filed pursuant to subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b), (c), and (d).

Investigations.

"(2) The Commission shall, periodically but not less frequently than every five years, investigate the employment practices of each entity described in subsection (a), in the aggregate, as well as in individual job categories, and determine whether such entity is in compliance with the requirements of subsections (b), (c), and (d), including whether such entity's employment practices deny or abridge women and minorities equal employment opportunities. As part of such investigation, the Commission shall review whether the entity's reports filed pursuant to subsection (d)(3) accurately reflect employee responsibilities in the reported job classifications.

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"(f)(1) If the Commission finds after notice and hearing that the entity involved has willfully or repeatedly without good cause failed to comply with the requirements of this section, such failure shall constitute a substantial failure to comply with this title. The failure to obtain certification under subsection (e) shall not itself constitute the basis for a determination of substantial failure to comply with this title. For purposes of this paragraph, the term 'repeatedly', when used with respect to failures to comply, refers to 3 or more failures during any 7-year period.

"(2) Any person who is determined by the Commission, through an investigation pursuant to subsection (e) or otherwise, to have failed to meet or failed to make best efforts to meet the requirements of this section, or rules under this section, shall be liable to the United States for a forfeiture penalty of $200 for each violation. Each day of a continuing violation shall constitute a separate offense. Any entity defined in subsection (a) shall not be liable for more than 180 days of forfeitures which accrued prior to notification by the Commission of a potential violation. Nothing in this paragraph shall limit the forfeiture imposed on any person as a result of any violation that continues subsequent to such notification. In addition, any person liable for such penalty may also have any license under this Act for cable auxiliary relay service suspended until the Commission determines that the failure involved has been corrected. Whoever knowingly makes any false statement or submits documentation which he knows to be false, pursuant to an application for certification under this section shall be in violation of this section.

"(3) The provisions of paragraphs (3) and (4), and the last 2 sentences of paragraph (2), of section 503(b) shall apply to forfeitures under this subsection.

"(4) The Commission shall provide for notice to the public and appropriate franchising authorities of any penalty imposed under this section.

"(g) Employees or applicants for employment who believe they have been discriminated against in violation of the requirements of this section, or rules under this section, or any other interested person, may file a complaint with the Commission. A complaint by any such person shall be in writing, and shall be signed and sworn to by that person. The regulations under subsection (d)(1) shall specify a program, under authorities otherwise available to the Commission, for the investigation of complaints and violations, and for the enforcement of this section.

"(h)(1) For purposes of this section, the term 'cable operator' includes any operator of any satellite master antenna television system, including a system described in section 602(6)(A).

"(2) Such term does not include any operator of a system which, in the aggregate, serves fewer than 50 subscribers.

"(3) In any case in which a cable operator is the owner of a multiple unit dwelling, the requirements of this section shall only apply to such cable operator with respect to its employees who are primarily engaged in cable telecommunications.

"(i)(1) Nothing in this section shall affect the authority of any State or any franchising authority—

"(A) to establish or enforce any requirement which is consistent with the requirements of this section, including any requirement which affords equal employment opportunity protection for employees;

"(B) to establish or enforce any provision requiring or encouraging any cable operator to conduct business with enterprises which are owned or controlled by members of minority groups (as defined in section 309(i)(3)(C)(ii)) or which have their principal operations located within the community served by the cable operator; or

"(C) to enforce any requirement of a franchise in effect on the effective date of this title.

"(2) The remedies and enforcement provisions of this section are in addition to, and not in lieu of, those available under this or any other law.

"(3) The provisions of this section shall apply to any cable operator, whether operating pursuant to a franchise granted before, on, or after the date of the enactment of this section.

"JUDICIAL PROCEEDINGS

Courts, U.S.
47 USC 555.

"SEC. 635. (a) Any cable operator adversely affected by any final determination made by a franchising authority under section 625 or 626 may commence an action within 120 days after receiving notice of such determination, which may be brought in—

"(1) the district court of the United States for any judicial district in which the cable system is located; or

"(2) in any State court of general jurisdiction having jurisdiction over the parties.

"(b) The court may award any appropriate relief consistent with the provisions of the relevant section described in subsection (a).

"COORDINATION OF FEDERAL, STATE, AND LOCAL AUTHORITY

47 USC 556.

"SEC. 636. (a) Nothing in this title shall be construed to affect any authority of any State, political subdivision, or agency thereof, or franchising authority, regarding matters of public health, safety, and welfare, to the extent consistent with the express provisions of this title.

"(b) Nothing in this title shall be construed to restrict a State from exercising jurisdiction with regard to cable services consistent with this title.

"(c) Except as provided in section 637, any provision of law of any State, political subdivision, or agency thereof, or franchising authority, or any provision of any franchise granted by such authority, which is inconsistent with this Act shall be deemed to be preempted and superseded.

"(d) For purposes of this section, the term 'State' has the meaning given such term in section 3(v).

47 USC 153.

"EXISTING FRANCHISES

47 USC 557.

"SEC. 637. (a) The provisions of—

"(1) any franchise in effect on the effective date of this title, including any such provisions which relate to the designation, use, or support for the use of channel capacity for public, educational, or governmental use, and

"(2) any law of any State (as defined in section 3(v)) in effect on the date of the enactment of this section, or any regulation promulgated pursuant to such law, which relates to such designation, use or support of such channel capacity,

shall remain in effect, subject to the express provisions of this title, and for not longer than the then current remaining term of the franchise as such franchise existed on such effective date.

"(b) For purposes of subsection (a) and other provisions of this title, a franchise shall be considered in effect on the effective date of this title if such franchise was granted on or before such effective date.

"CRIMINAL AND CIVIL LIABILITY

47 USC 558.

"SEC. 638. Nothing in this title shall be deemed to affect the criminal or civil liability of cable programmers or cable operators pursuant to the Federal, State, or local law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur any such liability for any program carried on any channel designated for public, educational, governmental use or on any other channel obtained under section 612 or under similar arrangements.

"OBSCENE PROGRAMMING

47 USC 559.

"SEC. 639. Whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.".

JURISDICTION

47 USC 152.

SEC. 3. (a)(1) Section 2(a) of the Communications Act of 1934 is amended by adding at the end thereof the following: "The provisions of this Act shall apply with respect to cable service, to all persons engaged within the United States in providing such service, and to the facilities of cable operators which relate to such service, as provided in title VI.".

Ante, p. 2780.
47 USC 521 note.

(2) Section 2(b) of such Act is amended by inserting after "section 301" the following: "and title VI".

47 USC 609.

(b) The provisions of this Act and amendments made by this Act shall not be construed to affect any jurisdiction the Federal Communications Commission may have under the Communications Act of 1934 with respect to any communication by wire or radio (other than cable service, as defined in section 602(5) of such Act) which is provided through a cable system, or persons or facilities engaged in such communications.

POLE ATTACHMENTS

47 USC 224.

SEC. 4. Section 224(c) of the Communications Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments—

"(A) unless the State has issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments; and

"(B) with respect to any individual matter, unless the State takes final action on a complaint regarding such matter—

"(i) within 180 days after the complaint is filed with the State, or

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"(ii) within the applicable period prescribed for such final action in such rules and regulations of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.".

UNAUTHORIZED RECEPTION OF CERTAIN COMMUNICATIONS

47 USC 605.

SEC. 5. (a) Section 705 of the Communications Act of 1934 (as redesignated by section 6) is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) The provisions of subsection (a) shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt, of any satellite cable programming for private viewing if—

"(1) the programming involved is not encrypted; and

"(2)(A) a marketing system is not established under which—

"(i) an agent or agents have been lawfully designated for the purpose of authorizing private viewing by individuals, and

"(ii) such authorization is available to the individual involved from the appropriate agent or agents; or

"(B) a marketing system described in subparagraph (A) is established and the individuals receiving such programming has obtained authorization for private viewing under that system.

"(c) For purposes of this section—

"(1) the term 'satellite cable programming' means video programming which is transmitted via satellite and which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers;

"(2) the term 'agent', with respect to any person, includes an employee of such person;

"(3) the term 'encrypt', when used with respect to satellite cable programming, means to transmit such programming in a form whereby the aural and visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming by persons without authorized equipment which is designed to eliminate the effects of such modification or alteration;

"(4) the term 'private viewing' means the viewing for private use in an individual's dwelling unit by means of equipment, owned or operated by such individual, capable of receiving satellite cable programming directly from a satellite; and

"(5) the term 'private financial gain' shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.

Crimes and misdemeanors.

"(d)(1) Any person who willfully violates subsection (a) shall be fined not more than $1,000 or imprisoned for not more than 6 months, or both.

"(2) Any person who violates subsection (a) willfully and for purposes of direct or indirect commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both, for the first such conviction and shall be fined not more than $50,000 or imprisoned for not more than 2 years, or both, for any subsequent conviction.

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Courts, U.S.

"(3)(A) Any person aggrieved by any violation of subsection (a) may bring a civil action in a United States district court or in any other court of competent jurisdiction.

"(B) The court may—

"(i) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a);

"(ii) award damages as described in subparagraph (C); and

"(iii) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

"(C)(i) Damages awarded by any court under this section shall be computed, at the election of the aggrieved party, in accordance with either of the following subclauses;

"(I) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

"(II) the party aggrieved may recover an award of statutory damages for each violation involved in the action in a sum of not less than $250 or more than $10,000, as the court considers just.

"(ii) In any case in which the court finds that the violation was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, by an amount of not more than $50,000.

"(iii) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

"(4) The importation, manufacture, sale, or distribution of equipment by any person with the intent of its use to assist in any activity prohibited by subsection (a) shall be subject to penalties and remedies under this subsection to the same extent and in the same manner as a person who has engaged in such prohibited activity.

"(5) The penalties under this subsection shall be in addition to those prescribed under any other provision of this title.

"(6) Nothing in this subsection shall prevent any State, or political subdivision thereof, from enacting or enforcing any laws with respect to the importation, sale, manufacture, or distribution of equipment by any person with the intent of its use to assist in the interception or receipt of radio communications prohibited by subsection (a).

"(e) Nothing in this section shall affect any right, obligation, or liability under title 17, United States Code, any rule, regulation, or order thereunder, or any other applicable Federal, State, or local law.".

Effective date.
47 USC 605 note.

(b) The amendments made by subsection (a) shall take effect on the effective date of this Act.

98 STAT. 2804

TECHNICAL AND CONFORMING AMENDMENTS

47 USC 601-610.

SEC. 6. (a) Title VI of the Communications Act of 1934 (as in effect before the enactment of this Act) is redesignated as title VII, and sections 601 through 610 are redesignated as sections 701 through 710, respectively.

47 USC 309.

(b)(1) Section 309(h) of the Communications Act of 1934 is amended by striking out "section 606" and inserting in lieu thereof "section 706".

(2) Section 2511 of title 18, United States Code, is amended—

(A) in subsection (2)(e), by striking out "section 605 or 606" and inserting in lieu thereof "section 705 or 706"; and

(B) in subsection (2)(f), by striking out "section 605" and inserting in lieu thereof "section 705".

(3) Section 105(f)(2)(C) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)(2)(C)) is amended by striking out "section 605" and inserting in lieu thereof "section 705".

SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

SEC. 7. Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Federal Communications Commission or the National Telecommunications and Information Administration within the Department of Commerce from participation (including use of staff and other appropriate resources) in support of any activities of the United States Telecommunications Training Institute.

TELECOMMUNICATIONS POLICY STUDY COMMISSION

SEC. 8. Title VII of the Communications Act of 1934 (as redesignated by section 6 of this Act) is amended by adding at the end thereof the following new section:

"TELECOMMUNICATIONS POLICY STUDY COMMISSION

Establishment. 47 USC 611.

"SEC. 711. (a) There is hereby established the Telecommunications Policy Study Commission (hereinafter in this section referred to as the 'Commission') which shall—

"(1) compare various domestic telecommunications policies of the United States and other nations, including the impact of all such policies on the regulation of interstate and foreign commerce, and

Report.

"(2) prepare and transmit a written report thereon to the Congress, the President, and the Federal Communications Commission.

"(b)(1) Such Commission shall be composed of the chairman and ranking minority members of the Committee on Commerce, Science, and Transportation and the Communications Subcommittee of the Senate and the Committee on Energy and Commerce and the Telecommunications, Consumer Protection and Finance Subcommittee of the House of Representatives (or delegates of such chairmen or members appointed by them from among members of such committees).

"(2) The chairmen of such committees (or their delegates) shall be co-chairmen of the Commission.

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"(c)(1) The report under subsection (a)(2) shall be submitted not later than December 1, 1987. Such report shall contain the results of all Commission studies and investigations under this section.

"(2) The Commission shall cease to exist—

"(A) on December 1, 1987, if the report is not submitted in accordance with paragraph (1) on the date specified therein; or

"(B) on such date (but not later than May 1, 1988) as may be determined by the Commission, by order, if the report is submitted in accordance with paragraph (1) on the date specified in such paragraph.

"(d)(1) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the chairmen, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(2) The Commission may appoint and fix the pay of such staff as it deems necessary.

Contracts with U.S.

"(e)(1) In conducting its activities, the Commission may enter into contracts to the extent it deems necessary to carry out its responsibilities, including contracts with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's responsibilities.

"(2) The Commission is authorized to hold public hearings, forums, and other meetings to enable full public participation.

"(f) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out this section and shall furnish to the Commission such information as the Commission deems necessary to carry out this section, in accordance with otherwise applicable law.

Appropriation authorization.

"(g) There are authorized to be appropriated such sums as may be appropriated to carry out this section for a period of three fiscal years.

"(h) Activities authorized by this section may be carried out only with funds and to the extent approved in appropriation Acts.

"(i) Nothing in this section shall be construed to affect any proceedings by, or activities of, the Federal Communications Commission, except that the Federal Communications Commission shall consider submissions by the Commission submitted pursuant to subsection (a)(2).".

98 STAT. 2806

EFFECTIVE DATE

47 USC 521 note.

SEC. 9. (a) Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the date of enactment of this Act.

47 USC 543 note.

(b) Nothing in section 623 or 624 of the Communications Act of 1934, as added by this Act, shall be construed to allow a franchising authority, or a State or any political subdivision of a State, to require a cable operator to restore, retier, or reprice any cable service which was lawfully eliminated, retiered, or repriced as of September 26, 1984.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 66 (H.R. 4103):

HOUSE REPORT No. 98-934 accompanying H.R. 4103 (Comm. on Energy and Commerce).
SENATE REPORT No. 98-67 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 129 (1983): June 13, 14, considered and passed Senate.
Vol. 130 (1984): Oct. 1, H.R. 4103 considered and passed House; S. 66, amended, passed in lieu.
Oct. 11, Senate concurred in House amendments with amendments; House concurred in Senate amendments.

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98 STAT. 2858

Public Law 98-556
98th Congress

An Act

Oct. 30, 1984
[S. 2499]

To authorize the appropriation of funds for certain maritime programs for fiscal year 1985.

Maritime Appropriation Authorization Act for Fiscal Year 1985.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1985".

Department of Transportation.

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation for fiscal year 1985 as follows:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $377,750,000;

(2) for expenses necessary for research and development activities, not to exceed $10,000,000; and

(3) for expenses necessary for operations and training activities, not to exceed $80,807,000, including not to exceed—

(A) $42,550,000 for maritime education and training expenses, including not to exceed $21,940,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $16,200,000 for financial assistance to State maritime academies (of which $5,000,000 shall be for the conversion of the vessel Santa Mercedes for use as a suitable training vessel), $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,410,000 for expenses necessary for additional training;

(B) $9,111,000 for national security support capabilities, including not to exceed $7,506,000 for reserve fleet expenses, and $1,605,000 for emergency planning/operations; and

(C) $29,146,000 for other operations and training expenses.

SEC. 3. Funds are authorized to be appropriated for the use of the Federal Maritime Commission, in the amount of $12,292,000 for fiscal year 1985.

Federal Maritime Commission.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2499:

SENATE REPORT No. 98-445 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 11, considered and passed Senate and House.

Public Law 98-567
98th Congress

An Act

To establish an interagency committee and a technical study group on cigarette safety.

Oct. 30, 1984
[H.R. 1880]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Safety Act of 1984".

Cigarette Safety Act of 1984.
15 USC 2054 note.

SEC. 2. (a) There is established the Interagency Committee on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Interagency Committee") which shall consist of—

Establishment.
15 USC 2054 note.

(1) the Chairman of the Consumer Product Safety Commission, who shall be the Chairman of the Interagency Committee;

(2) the United States Fire Administrator in the Federal Emergency Management Agency, who shall be the Vice Chairman of the Interagency Committee; and

(3) the Assistant Secretary of Health in the Department of Health and Human Services.

(b) The Interagency Committee shall direct, oversee, and review the work of the Technical Study Group on Cigarette and Little Cigar Fire Safety (established under section 3) conducted under section 4 and shall make such policy recommendations to the Congress as it deems appropriate. The Interagency Committee may retain and contract with such consultants as it deems necessary to assist the Study Group in carrying out its functions under section 4. The Interagency Committee may request the head of any Federal department or agency to detail any of the personnel of the department or agency to assist the Interagency Committee or the Study Group in carrying out its responsibilities. The authority of the Interagency Committee to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

Contracts with U.S.

(c) For the purpose of carrying out section 4, the Interagency Committee or the Study Group, with the advice and consent of the Interagency Committee, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Interagency Committee or the Study Group considers appropriate.

SEC. 3. (a) There is established the Technical Study Group on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Study Group") which shall consist of—

Establishment.
15 USC 2054 note.

(1) one scientific or technical representative each from the Consumer Product Safety Commission, the Center for Fire Research of the National Bureau of Standards, the National

Cancer Institute, the Federal Trade Commission, and the Federal Emergency Management Agency, the appointment of whom shall be made by the heads of those agencies;

98 STAT. 2926

(2) four scientific or technical representatives appointed by the Chairman of the Interagency Committee, by and with the advice and consent of the Interagency Committee, from a list of individuals submitted by the Tobacco Institute;

(3) two scientific or technical representatives appointed by the Chairman of the Interagency Committee, by and with the advice and consent of the Interagency Committee, who are selected from lists of individuals submitted by the following organizations: the American Burn Association, the American Public Health Association, and the American Medical Association;

(4) two scientific or technical representatives appointed by the Chairman of the Interagency Committee, by and with the advice and consent of the Interagency Committee, who are selected from lists of individuals submitted by the following organizations: the National Fire Protection Association, the International Association of Fire Chiefs, the International Association of Fire Fighters, the International Society of Fire Service Instructors, and the National Volunteer Fire Council; and

(5) one scientific or technical representative appointed by the Chairman of the Interagency Committee, by and with the advice and consent of the Interagency Committee, from lists of individuals submitted by the Business and Institutional Furniture Manufacturers Association and one scientific or technical representative appointed by the Chairman, by and with the advice and consent of the Interagency Committee, from lists of individuals submitted by the American Furniture Manufacturers Association.

(b) The persons appointed to serve on the Study Group may designate, with the advice and consent of the Interagency Committee, from among their number such persons to serve as team leaders, coordinators, or chairpersons as they deem necessary or appropriate to carry out the Study Group's functions under section 4.

Study.
15 USC 2054 note.

SEC. 4. The Study Group shall undertake, subject to oversight and review by the Interagency Committee, such studies and other activities as it considers necessary and appropriate to determine the technical and commercial feasibility, economic impact, and other consequences of developing cigarettes and little cigars that will have a minimum propensity to ignite upholstered furniture or mattresses. Such activities include identification of the different physical characteristics of cigarettes and little cigars which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

Reports.
15 USC 2054 note.

SEC. 5. The Interagency Committee shall submit one year after the date of enactment of this Act a status report to the Senate and the House of Representatives describing the activities undertaken under section 4 during the preceding year. The Interagency Committee shall submit a final technical report, prepared by the Study Group, to the Senate and the House of Representatives not later than thirty months after the date of enactment of this Act. The Interagency Committee shall provide to the Congress, within sixty days after the submission of the final technical report, any policy recommendations the Interagency Committee deems appropriate. The Interagency Committee and the Study Group shall terminate one month after submission of the policy recommendations prescribed by this section.

Termination.
98 STAT. 2927

Confidentiality. 15 USC 2054 note.

SEC. 6. (a) Any information provided to the Interagency Committee or to the Study Group under section 4 which is designated as trade secret or confidential information shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided under subsection (b). No member of the Study Group or Interagency Committee, and no person assigned to or consulting with the Study Group, shall disclose any such information to any person who is not a member of, assigned to, or consulting with, the Study Group or Interagency Committee unless the person submitting such information specifically and in writing authorizes such disclosure.

(b) Subsection (a) does not authorize the withholding of any information from any duly authorized subcommittee or committee of the Congress, except that if a subcommittee or committee of the Congress requests the Interagency Committee to provide such information, the Chairman of the Interagency Committee shall notify the person who provided the information of such a request in writing.

(c) The Interagency Committee shall, on the vote of a majority of its members, adopt reasonable procedures to protect the confidentiality of trade secret and confidential information, as defined in this section.

15 USC 2054 note.

SEC. 7. As used in this Act, the terms "cigarettes" and "little cigars" have the meanings given such terms by section 3 of the Federal Cigarette Labeling and Advertising Act.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 1880 (S. 1935):

HOUSE REPORT No. 98-917 (Comm. on Energy and Commerce).
SENATE REPORT No. 98-597 accompanying S. 1935 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Aug. 6, considered and passed House.
Sept. 21, considered and passed Senate, amended, in lieu of S. 1935.
Oct. 1, House concurred in Senate amendment with an amendment.
Oct. 4, Senate concurred in House amendment.

Public Law 98-573
98th Congress

98 STAT. 2948

An Act

To amend the trade laws, authorize the negotiation of trade agreements, extend trade preferences, change the tariff treatment with respect to certain articles and for other purposes.

Oct. 30, 1984
[H.R. 3398]

Trade and Tariff Act of 1984. 19 USC 1654 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act with the following table of contents may be cited as the "Trade and Tariff Act of 1984":

TITLE I—TARIFF SCHEDULES AMENDMENTS

Subtitle A—Reference to Tariff Schedules

Sec. 101. Reference.

Subtitle B—Permanent Changes in Tariff Treatment

Sec. 111. Coated textile fabrics.
Sec. 112. Warp knitting machines.
Sec. 113. Certain gloves.
Sec. 114. Pet toys.
Sec. 115. Water chestnuts and bamboo shoots.

Sec. 116. Gut for use in manufacture of sterile surgical sutures.
Sec. 117. Orange juice products.
Sec. 118. Reimportation of certain articles originally imported duty free.
Sec. 119. Geophysical equipment.
Sec. 120. Scrolls or tablets used in religious observances.
Sec. 121. Steel pipes and tubes used in lampposts.
Sec. 122. Wearing apparel.
Sec. 123. Recently developed dairy products.
Sec. 124. Telecommunications product classification.
Sec. 125. Fresh asparagus.
Sec. 126. Chipper knife steel.
Sec. 127. Implementation of customs convention on containers, 1972.

Subtitle C—Temporary Changes in Tariff Treatment

Sec. 131. Fresh, chilled, or frozen brussels sprouts.
Sec. 132. β-naphthol.
Sec. 133. 4-chloro-3-methylphenol.
Sec. 134. Tetraamino biphenyl.
Sec. 135. 6-amino-1-naphthol-3-sulfonic acid.
Sec. 136. DSA.
Sec. 137. Guanidines.
Sec. 138. Certain antibiotics.
Sec. 139. Acetylsulfaguanidine.
Sec. 140. Fenridazon-potassium.
Sec. 141. Uncompounded allyl resins.
Sec. 142. Sulfamethazine.
Sec. 143. Sulfaguanidine.
Sec. 144. Terfenadine.
Sec. 145. Sulfathizole.
Sec. 146. Sulfaquinoxaline and sulfanilamide.
Sec. 147. Dicyclomine hydrochloride and mepenzolate bromide.
Sec. 148. Amiodarone.
Sec. 149. Desipramine hydrochloride.
Sec. 150. Clomiphene citrate.
Sec. 151. Yttrium bearing materials and compounds.
Sec. 152. Tartaric acid and chemicals.
98 STAT. 2949 Sec. 153. Certain mixtures of magnesium chloride and magnesium nitrate.
Sec. 154. Nicotine resin complex.
Sec. 155. Rifampin.
Sec. 156. Lactulose.
Sec. 157. Iron-dextran complex.
Sec. 158. Natural graphite.
Sec. 159. Zinc.
Sec. 160. Certain diamond tool blanks.
Sec. 161. Clock radios.
Sec. 162. Lace-braiding machines.
Sec. 163. Certain magnetron tubes.
Sec. 164. Narrow fabric looms.
Sec. 165. Umbrella frames.
Sec. 166. Crude feathers and down.
Sec. 167. Canned corned beef.
Sec. 168. Hovercraft skirts.
Sec. 169. Disposable surgical drapes and sterile gowns.
Sec. 170. MXDA.
Sec. 171. 4,4'-Bis(α,α-dimethylbenzyl) diphenylamine.
Sec. 172. Flecainide acetate.
Sec. 173. Caffeine.
Sec. 174. Watch crystals.
Sec. 175. Unwrought lead.
Sec. 176. Flat knitting machines.
Sec. 177. Certain menthol feedstocks.
Sec. 178. 2-methyl-4-chlorophenol.
Sec. 179. Unwrought alloys of cobalt.
Sec. 180. Circular knitting machines.
Sec. 181. o-Benzyl-p-chlorophenol.
Sec. 182. Certain benzenoid chemicals.
Sec. 183. m-Toluic acid.

Subtitle D—Technical Amendments

Sec. 191. Technical and conforming amendments.

Subtitle E—Effective Dates

Sec. 195. Effective dates.

TITLE II—CUSTOMS AND MISCELLANEOUS AMENDMENTS

Subtitle A—Amendments to the Tariff Act of 1930

Sec. 201. Reference.
Sec. 202. Drawback.
Sec. 203. Public disclosure of certain manifest information.
Sec. 204. Virgin Islands excursion vessels.

Sec. 205. Unlawful importation or exportation of certain vehicles.
Sec. 206. Increase in amount for informal entry of goods.
Sec. 207. Certain country of origin marking requirements.
Sec. 208. Equipments and repairs of certain vessels exempt from duties.
Sec. 209. Articles returned from space.
Sec. 210. Date of liquidation or reliquidation.
Sec. 211. Operation of certain duty-free sales enterprises.
Sec. 212. Customs brokers.
Sec. 213. Seizures and forfeitures.
Sec. 214. Effective dates.

Subtitle B—Small Business Trade Assistance

Sec. 221. Establishment of trade remedy assistance office in the United States International Trade Commission.

Subtitle C—Miscellaneous Provisions

Sec. 231. Foreign trade zone provisions.
Sec. 232. Denial of deduction for certain foreign advertising expenses.
Sec. 233. Certain relics and curios.
Sec. 234. Modification of duties on certain articles used in civil aviation.
Sec. 235. Products of Caribbean Basin countries entered in Puerto Rico.
Sec. 236. User fee for customs services at certain small airports.
Sec. 237. Notification of certain actions by the United States Customs Service.
Sec. 238. Columbia-Snake Customs District.
Sec. 239. Reliquidation of certain mass spectrometer systems.
Sec. 240. Max Planck Institute for Radioastronomy.

98 STAT. 2950

Sec. 241. Duty-free entry for research equipment for North Dakota State University, Fargo, North Dakota.
Sec. 242. Duty-free entry for pipe organ for the Crystal Cathedral, Garden Grove, California.
Sec. 243. Duty-free entry for scientific equipment for the Ellis Fischel State Cancer Hospital, Columbia, Missouri.
Sec. 244. Duty-free entry of organs imported for the use of Trinity Cathedral of Cleveland, Ohio.
Sec. 245. Sense of Congress regarding possible EEC action on corn gluten.
Sec. 246. Study on honey imports.
Sec. 247. Copper imports.
Sec. 248. Disapproval of Presidential determinations under section 203 of the Trade Act of 1974.
Sec. 249. Section 201 criteria.
Sec. 250. Hogs and pork products from Canada.
Sec. 251. Copyright protection of computer software.

TITLE III—INTERNATIONAL TRADE AND INVESTMENT

Sec. 301. Short title; amendment of Trade Act of 1974.
Sec. 302. Statement of purposes.
Sec. 303. Analysis of foreign trade barriers.
Sec. 304. Amendments to title III of the Trade Act of 1974.
Sec. 305. Negotiating objectives with respect to international trade in services and investment and high technology industries.
Sec. 306. Provisions relating to international trade in services.
Sec. 307. Negotiating authority with respect to foreign direct investment.
Sec. 308. Negotiation of agreements concerning high technology industries.

TITLE IV—TRADE WITH ISRAEL

Sec. 401. Negotiation of trade agreements to reduce trade barriers.
Sec. 402. Criteria for duty-free treatment of articles.
Sec. 403. Application of certain other trade law provisions.
Sec. 404. Fast track procedures for perishable articles.
Sec. 405. Construction of title.

TITLE V—GENERALIZED SYSTEM OF PREFERENCES RENEWAL

Sec. 501. Short title; statement of purpose.
Sec. 502. Consideration of a beneficiary developing country's competitiveness in extending preferences.
Sec. 503. Amendments relating to the beneficiary developing country designation criteria.
Sec. 504. Regulations; articles which may not be designated as eligible articles.
Sec. 505. Limitations on preferential treatment.
Sec. 506. Extension of the generalized system of preferences and reports.
Sec. 507. Agricultural exports of beneficiary developing countries.
Sec. 508. Effective date.

TITLE VI—TRADE LAW REFORM

Sec. 601. Reference.
Sec. 602. Sales for importation.
Sec. 603. Waiver of verification.
Sec. 604. Termination or suspension of investigation.
Sec. 605. Final determination of critical circumstances.
Sec. 606. Simultaneous investigations.
Sec. 607. Countervailing duties apply on country-wide basis.

Sec. 608. Conditional payment of countervailing duties.
Sec. 609. Initiation of antidumping duty investigations.
Sec. 610. Duties of customs officers.
Sec. 611. Reviews and determinations.
Sec. 612. Definitions and special rules.
Sec. 613. Upstream subsidies.
Sec. 614. Reseller's price taken into account in determining purchase price.
Sec. 615. Foreign market value.
Sec. 616. Hearings.
Sec. 617. Subsidies discovered during proceeding.
Sec. 618. Verification of information.
Sec. 619. Records of ex parte meetings; release of confidential information.
Sec. 620. Sampling and averaging in determining United States price and foreign market value.
98 STAT. 2951
Sec. 621. Interest.
Sec. 622. Drawbacks.
Sec. 623. Elimination of interlocutory appeals.
Sec. 624. Adjustments study.
Sec. 625. Industrial targeting studies.
Sec. 626. Effective dates.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS AND TRADE AGENCIES

Sec. 701. United States International Trade Commission.
Sec. 702. United States Customs Service.
Sec. 703. Office of the United States Trade Representative.

TITLE VIII—ENFORCEMENT AUTHORITY FOR THE NATIONAL POLICY FOR THE STEEL INDUSTRY

Sec. 801. Short title.
Sec. 802. Findings and purposes.
Sec. 803. Sense of Congress regarding the national policy for the steel industry.
Sec. 804. Definitions.
Sec. 805. Enforcement authority.
Sec. 806. Effective period of title.
Sec. 807. Department of Labor worker assistance plan.
Sec. 808. Effective date.

TITLE IX—ELIMINATION OF BARRIERS TO INTERNATIONAL TRADE IN UNITED STATES WINE

Sec. 901. Short title.
Sec. 902. Congressional findings and purposes.
Sec. 903. Definitions.
Sec. 904. Designation of major wine trading countries.
Sec. 905. Actions to reduce or eliminate tariff and nontariff barriers affecting United States wine.
Sec. 906. Required consultations.
Sec. 907. United States wine export promotion.

LEGISLATIVE HISTORY—H.R. 3398:

HOUSE REPORTS: No. 98-267 (Comm. on Ways and Means) and No. 98-1156 (Comm. of Conference).
SENATE REPORT No. 98-308 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 129 (1983): June 28, considered and passed House.
Vol. 130 (1984): Mar. 2, Sept. 17-20, considered and passed Senate, amended.
Oct. 3, House concurred in a Senate amendment and in others with amendments.
Oct. 9, House and Senate agreed to conference report.

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98 STAT. 3130

Public Law 98-595
98th Congress

An Act

Oct. 30, 1984
[H.R. 5833]

To improve certain maritime programs of the Department of Transportation and the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

46 USC app. 1273.

(1) in section 1103(e), after the last sentence, by adding:

"Notwithstanding an assumption of an obligation by the Secretary under section 1105 (a) or (b) of this Act, the validity of the guarantee of an obligation made by the Secretary under this title is unaffected and the guarantee remains in full force and effect.";

46 USC app. 1295.

(2) in section 1104, by striking subsection (a)(3) and substituting:

46 USC app. 1274.

"(3) financing the purchase, reconstruction, or reconditioning of vessels or fishery facilities for which obligations were guaranteed under this title that, under the provisions of section 1105:

Vessels.
Fish and fishing.

"(A) are vessels or fishery facilities for which obligations were accelerated and paid;

"(B) were acquired by the Fund; or

"(C) were sold at foreclosure instituted by the Secretary;";

(3) in section 1104(a)(5), by adding "or" at the end;

(4) in section 1104(a)(6), by striking "facilities; or" and substituting "facilities.";

(5) in section 1104, by striking subsection (a)(7);

(6) in section 1104, by striking subsection (d)(1) and substituting:

"(d)(1)(A) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Transportation unless the Secretary finds that the property or project with respect to which the obligation will be executed will be economically sound. In making that determination, the Secretary shall consider—

"(i) the need in the particular segment of the maritime industry for new or additional capacity, including any impact on existing equipment for which a guarantee under this title is in effect;

Commerce and trade.

"(ii) the market potential for the employment of the vessel over the life of the guarantee;

"(iii) projected revenues and expenses associated with employment of the vessel;

"(iv) any charters, contracts of affreightment, transportation agreements, or similar agreements or undertakings relevant to the employment of the vessel;

"(v) other relevant criteria; and

"(vi) for inland waterways, the need for technical improvements, including but not limited to increased fuel efficiency, or improved safety.

98 STAT. 3131

"(B) No commitment to guarantee, or guarantee of, an obligation shall be made by the Secretary of Commerce unless the Secretary finds, at or prior to the time such commitment is made or guarantee becomes effective, that the property or project with respect to which the obligation will be executed will be, in the Secretary's opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources, or with the need for technical improvements including but not limited to increased fuel efficiency or improved safety.";

(7) in section 1104(h), after the word "acceleration", by adding ", assumption,";

46 USC app. 1274.

(8) in section 1105(a), in the first sentence after the word "demand", by adding: "(unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed the obligor's rights and duties under the obligation and agreements and shall have made any payments in default)";

46 USC app. 1275.

(9) in section 1105, by striking subsection (b) and substituting:

"(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary, the Secretary may upon such terms as may be provided in the obligation or related agreement, either:

Loans.

"(1) assume the obligor's rights and duties under the agreement, make any payment in default, and notify the obligee or the obligee's agent of the default and the assumption by the Secretary; or

"(2) notify the obligee or the obligee's agent of the default, and the obligee or the obligee's agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such notice, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or the obligee's agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.";

(10) in section 1105(c), first sentence, after the word "payment", by adding "or assumption";

(11) in section 1105(e), by striking the last sentence and substituting: "In the event that the Secretary shall receive through the sale of property an amount of cash in excess of the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary shall pay the excess to the obligor."; and

(12) in section 1104(e), by adding the following sentence at the end thereof: "Such regulations shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligors pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligations).".

98 STAT. 3132

SEC. 2. Section 214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1124) is amended to read as follows:

"(a) For the purpose of any investigation which, in the opinion of the Secretary of Transportation, is necessary and proper in carrying out this Act, the Secretary may subpoena witnesses, administer oaths and affirmations, take evidence, and require the production of books, papers, or other documents that are relevant to the matter under investigation. The attendance of witnesses and the production of books, papers, or other documents may be required from any place in the United States or any territory, district, or possession thereof at any designated place of hearing. Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) Upon failure of any person to obey a subpoena issued by the Secretary, the Secretary may invoke the aid of any district court of the United States within the jurisdiction in which the person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring the person to appear before the Secretary, or an employee designated by the Secretary, there to produce books, papers, or other documents, if so ordered, or to give testimony relevant to the matter under investigation. A failure to obey an order of the court may be punished by the court as a contempt thereof. Process in such a case may be served in the judicial district in which the person resides or may be found.".

SEC. 3. (a) The Shipping Act, 1916 (46 App. U.S.C. 801), is amended as follows:

(1) The first section is amended—

(A) by striking the definitions "common carrier by water" and "common carrier by water in foreign commerce";

(B) in the definition "other person subject to this Act", by striking "common carrier by water" in two places and substituting "common carrier by water in interstate commerce"; and

(C) in the definition "carrying on the business of forwarding", by striking "from the United States, its Territories, or possessions to foreign countries, or".

(2) The initial paragraph of section 16 is amended by striking "transportation by water" and substituting "transportation by water in interstate commerce".

46 USC app. 815.

(3) Section 21(b) is amended by striking the period following "subject to this Act" and substituting a comma.

46 USC app. 820.

(b) The Shipping Act of 1984 (46 App. U.S.C. 1701), is amended as follows:

(1) Section 5(a) is amended by striking "in section 4" and substituting "in section 4 (a) or (b)".

Ante, p. 70.

(2) Section 11(g) is amended by striking "section 10(c) (1) or (4)" and substituting "section 10(c) (1) or (3)".

Ante, p. 80.

(3) The last sentence of section 15 is amended to read as follows: "Whoever fails to file a certificate required by the Commission under this subsection is liable to the United States for a civil penalty of not more than $5,000 for each day the violation continues.".

Ante, p. 84.

98 STAT. 3133

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 5833:

HOUSE REPORT No. 98-888 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-652 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
July 24, considered and passed House.
Oct. 10, considered and passed Senate, amended.
Oct. 11, House concurred in Senate amendments.

Public Law 98-613
98th Congress

98 STAT. 3187

An Act

To provide for the conservation and management of Atlantic striped bass, and for other purposes.

Oct. 31, 1984
[H.R. 5492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Atlantic Striped Bass Conservation Act.
16 USC 1851 note
Fish and fishing.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Conservation Act".

SEC. 2. FINDINGS AND PURPOSES.

16 USC 1851 note.

(a) Findings.—The Congress finds and declares the following:

(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

(2) As a consequence of increased fishing pressure, environmental pollution, the loss and alteration of habitat, and the inadequacy of fishery conservation and management practices and controls, certain stocks of Atlantic striped bass have been severely reduced in number.

(3) Because no single government entity has full management authority throughout the range of the Atlantic striped bass, the harvesting and conservation of these fish have been subject to diverse, inconsistent, and intermittent State regulation that has been detrimental to the long-term maintenance of stocks of the species and to the interests of fishermen and the Nation as a whole.

(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

16 USC 1851 note.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "Act of 1976" means the Act entitled "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (16 U.S.C. 1801 et seq.).

(2) The term "Atlantic striped bass" means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A).

(3) The term "coastal waters" means—

(A) all waters, whether salt or fresh, of a coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

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(B) the waters of a coastal State seaward from the baseline referred to in subparagraph (A) to the inner boundary of the exclusive economic zone.

(4) The term "coastal State" means Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina.

(5) The term "Commission" means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

56 Stat. 267, 64 Stat. 467.

(6) The term "fishing" means—

(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include any scientific research authorized by the Federal Government or by any State government.

(7) The term "Plan" means the Interstate Fisheries Management Plan for Striped Bass, dated October 1, 1981, prepared by the Commission, and all amendments thereto related to fishing, including interim restoration measures for Chesapeake Bay striped bass stocks as developed by the Atlantic States Marine Fisheries Commission Striped Bass Management Board in December 1983, whether or not such language is formally adopted as an amendment to the Plan of October 1, 1981.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "Secretaries" means the Secretary of Commerce and the Secretary of the Interior.

16 USC 1851 note.

SEC. 4. COMMISSION FUNCTIONS.

(a) COASTAL STATE REGULATORY MEASURES.—The Commission shall decide during June 1985 whether each coastal state has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters. The Commission shall immediately notify the Secretaries of each negative determination made by it under the preceding sentence.

(b) MONITORING OF ENFORCEMENT.—Commencing on July 1, 1985, the Commission shall monitor on a biannual basis the enforcement of the Plan by each coastal State for purposes of deciding if that enforcement is satisfactory. Enforcement by a coastal State may not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within its coastal waters is being, or will likely be, substantially and adversely affected.

(c) NOTIFICATION TO SECRETARY OF RESULTS OF ENFORCEMENT MONITORING.—On December 30, 1985, and on the closing date of each biannual period thereafter, the Commission shall notify the Secretaries of the results of the monitoring under subsection (b) of each coastal State.

(d) SECRETARIAL ACTION AFTER NOTIFICATION.—Immediately upon receiving notice from the Commission— 98 STAT. 3189

(1) under subsection (a) that a coastal State has not taken the actions described in that subsection; or

(2) under subsection (c) that the enforcement of the Plan by a coastal State is not satisfactory;

the Secretary shall determine, within 30 days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretary shall declare a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretary shall carefully consider and review the comments of the Commission, that coastal State in question, and the Secretary of the Interior.

SEC. 5. MORATORIUM.

16 USC 1851 note.

(a) DEFINITIONS.—For purposes of this section—

(1) The term "moratorium area" means the coastal waters with respect to which a declaration under section 4(d) applies.

(2) The term "moratorium period" means the period beginning on the day on which moratorium is declared under section 4(d) regarding a coastal State and ending on the day on which the Commission notifies the Secretary that that State has taken appropriate remedial action with respect to those matters that were the cause of the moratorium being declared.

(b) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

(1) to engage in fishing within the moratorium area;

(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under section 4(d) applies to that State; or

(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

(c) PENALTIES AND FORFEITURES.—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act that is unlawful under subsection (b), shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $1,000 for each violation. Each day of continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed and, with respect to the violator, the degree of culpability, any history of prior violations, ability to pay, and such other matters as justice may require.

(2) Subsections (b) through (e) of section 308 of the Act of 1976 (16 U.S.C. 1858(b)-(e); relating to review of civil penalties, action upon failure to pay assessment, compromise, and subpenas) shall apply to

penalties assessed under paragraph (1) to the same extent and in the same manner as if those penalties were assessed under subsection (a) of such section 308.

98 STAT. 3190

(d) CIVIL FORFEITURES.—(1) Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or the result of, the commission of any act that is unlawful under subsection (b), shall be subject to forfeiture to the United States. All or part of the vessel may, and all such fish (or the fair market value thereof) shall, be forfeited to the United States under a civil proceeding described in paragraph (2). The district courts of the United States have jurisdiction over proceedings under this subsection.

(2) Subsections (c) through (e) of section 310 of the Act of 1976 (16 U.S.C. 1860(c)–(e); relating to judgment, procedure, and rebuttable presumptions) apply with respect to proceedings for forfeiture commenced under this subsection to the same extent and in the same manner as if the proceeding were commenced under subsection (a) of such section 310.

(e) ENFORCEMENT.—The Secretary shall enforce a moratorium declared under section 4(d). The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a coastal State in carrying out that enforcement.

16 USC 1851 note.

SEC. 6. COMPREHENSIVE ANNUAL SURVEYS.

For the purposes of implementing the provisions of this Act, the Secretary and the Secretary of the Interior shall jointly conduct a comprehensive annual survey of the Atlantic striped bass fisheries. Each survey shall include, but not be limited to, a compilation and assessment of the recreational and commercial landings of that species in the coastal States during the period considered in the survey. The results of each annual survey shall be published in the Federal Register.

Federal Register, publication.

16 USC 1851 note.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Funds for activities in fiscal year 1985 under this Act shall be made available only from funds appropriated for the Department of Commerce and the Department of the Interior for fiscal year 1985. For fiscal year 1986, there are authorized such sums as may be necessary or appropriate to carry out the provisions of this Act.

16 USC 1851 note.
Report.

SEC. 8. SECRETARIAL STUDY.

Within six months of the date of enactment of this Act, the Secretaries shall review the existing Plan and shall report to the Commission, the Chairman of the House Committee on Merchant Marine and Fisheries, the Chairman of the Senate Committee on Commerce, Science and Transportation and the Chairman of the Senate Committee on Environment and Public Works on the adequacy of the Plan to achieve the purposes of this Act. Such report shall include recommendations for additional measures that may need to be taken and include recommendations concerning specific State actions regarding the management and conservation of striped bass.

16 USC 1851 note.

SEC. 9. EFFECTIVE PERIOD.

Sections 1 through 8 shall take effect upon enactment of this Act and shall cease to have force and effect 18 months after the date of enactment of this Act.

SEC. 10. MISCELLANEOUS PROVISIONS.

98 STAT. 3191

(a) Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is amended by amending subsection (d) by striking out "and September 30, 1984." and inserting in lieu thereof "September 30, 1984, September 30, 1985, and September 30, 1986.".

Appropriation authorization.

(b) There are authorized to be appropriated to the Department of Commerce, $200,000 for each of fiscal years 1986 and 1987, and the amount that is appropriated under this authority for each such year shall be apportioned equally by the Secretary between the States of Maryland and Virginia for use by each of them for the propagation, in existing hatchery facilities of that State, of striped bass for the replenishment of the Chesapeake Bay stock: (1) if that State, for each such fiscal year, expends an equal amount of State moneys for the propagation of such stock in its hatchery facilities; and (2) if the Secretary considers that that State is in full compliance with the Plan.

(c) Section 207 of the Act entitled "An Act to provide for the establishment of the Bandon Marsh National Wildlife Refuge, Coos County, State of Oregon, and for other purposes" (Public Law 97-137) is amended to read as follows:

95 Stat. 1712.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 207. The Secretary of the Army is authorized to carry out his responsibilities under this title, at an estimated cost of $1,040,000. Any sums appropriated under this title shall remain available until expended.".

(d) The amendment made by subsection (c) shall take effect October 1, 1986.

Effective date.

Approved October 31, 1984.

LEGISLATIVE HISTORY—H.R. 5492:

HOUSE REPORTS: No. 98-1029 and Pt. 2 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 4, considered and passed House.
Oct. 11, considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 98-623
98th Congress

98 STAT. 3394

An Act

To approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on the Conservation of Antarctic Marine Living Resources; and for the other purposes.

Nov. 8, 1984
[H.R. 6342]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENTS WITH ICELAND AND THE EEC

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823)—

(1) the governing international fishery agreement between the Government of the United States and the European Economic Community Concerning Fisheries Off the Coasts of the United States, as contained in the Message to Congress from the President of the United States dated August 27, 1984, is hereby approved by Congress as a governing international fishery agreement for purposes of that Act, and may enter into force with respect to the United States in accordance with the terms of Article XIX of the agreement after the date of the enactment of this title, upon signature of the agreement by both parties; and

(2) the governing international fishery agreement between the Government of the United States and the Government of the Republic of Iceland Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated September 29, 1984, is hereby approved by Congress as a governing international fishery agreement for purposes of that Act, and may enter into force with respect to the United States in accordance with the terms of Article XVI of the agreement after the date of the enactment of this title.

National Fishing Enhancement Act of 1984.
33 USC 2101 note.

TITLE II—ARTIFICIAL REEFS

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fishing Enhancement Act of 1984".

33 USC 2101.

SEC. 202. FINDINGS AND CONCLUSIONS.

(a) FINDINGS.—The Congress finds that—

(1) although fishery products provide an important source of protein and industrial products for United States consumption, United States fishery production annually falls far short of satisfying United States demand;

(2) overfishing and the degradation of vital fishery resource habitats have caused a reduction in the abundance and diversity of United States fishery resources;

98 STAT. 3395

Energy.

(3) escalated energy costs have had a negative effect on the economics of United States commercial and recreational fisheries;

(4) commercial and recreational fisheries are a prominent factor in United States coastal economies and the direct and indirect returns to the United States economy from commercial and recreational fishing expenditures are threefold; and

(5) properly designed, constructed, and located artificial reefs in waters covered under this title can enhance the habitat and diversity of fishery resources; enhance United States recreational and commercial fishing opportunities; increase the production of fishery products in the United States; increase the energy efficiency of recreational and commercial fisheries; and contribute to the United States and coastal economies.

(b) PURPOSE.—The purpose of this title is to promote and facilitate responsible and effective efforts to establish artificial reefs in waters covered under this title.

33 USC 2102.

SEC. 203. ESTABLISHMENT OF STANDARDS.

Water.

Based on the best scientific information available, artificial reefs in waters covered under this title shall be sited and constructed, and subsequently monitored and managed in a manner which will—

(1) enhance fishery resources to the maximum extent practicable;

(2) facilitate access and utilization by United States recreational and commercial fishermen;

(3) minimize conflicts among competing uses of waters covered under this title and the resources in such waters;

Pollution.

(4) minimize environmental risks and risks to personal health and property; and

(5) be consistent with generally accepted principles of international law and shall not create any unreasonable obstruction to navigation.

33 USC 2103.

SEC. 204. NATIONAL ARTIFICIAL REEF PLAN.

Not later than one year after the date of enactment of this title, the Secretary of Commerce, in consultation with the Secretary of the Interior, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Department in which the Coast Guard is operating, the Regional Fishery Managment Councils, interested States, Interstate Fishery Commissions, and representatives of the private sector, shall develop and publish a long-term plan which will meet the purpose of this title and be consistent with the standards established under section 203. The plan must include—

(1) geographic, hydrographic, geologic, biological, ecological, social, economic, and other criteria for siting artificial reefs; Research and development.

(2) design, material, and other criteria for constructing artificial reefs;

(3) mechanisms and methodologies for monitoring the compliance of artificial reefs with the requirements of permits issued under section 205;

(4) mechanisms and methodologies for managing the use of artificial reefs;

(5) a synopsis of existing information on artificial reefs and needs for further research on artificial reef technology and management strategies; and

98 STAT. 3396

(6) an evaluation of alternatives for facilitating the transfer of artificial reef construction materials to persons holding permits issued pursuant to section 205, including, but not limited to, credits for environmental mitigation and modified tax obligations. Taxes.

SEC. 205. PERMITS FOR THE CONSTRUCTION AND MANAGEMENT OF ARTIFICIAL REEFS.

33 USC 2104.

(a) Secretarial Action on Permits.—In issuing a permit for artificial reefs under section 10 of the Rivers and Harbors Act of 1899, section 404 of the Federal Water Pollution Control Act, or section 4(e) of the Outer Continental Shelf Lands Act, the Secretary of the Army (hereinafter in this section referred to as the "Secretary") shall—

Pollution.

33 USC 403.
33 USC 1344.
43 USC 1333.

(1) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties; State and local governments.

(2) ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under this title;

(3) ensure that the title to the artificial reef construction material is unambiguous, and that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established; and

(4) consider the plan developed under section 204 and notify the Secretary of Commerce of any need to deviate from that plan.

(b) Terms and Conditions of Permits.—(1) Each permit issued by the Secretary subject to this section shall specify the design and location for construction of the artificial reef and the types and quantities of materials that may be used in constructing such artificial reef. In addition, each such permit shall specify such terms and conditions for the construction, operation, maintenance, monitoring, and managing the use of the artificial reef as are necessary for compliance with all applicable provisions of law and as are necessary to ensure the protection of the environment and human safety and property. Pollution.

(2) Before issuing a permit under section 402 of the Federal Water Pollution Control Act for any activity relating to the siting, design, construction, operation, maintenance, monitoring, or managing of an artificial reef, the Administrator of the Environmental Protection Agency shall consult with the Secretary to ensure that such permit is consistent with any permit issued by the Secretary subject to this section. 33 USC 1342.

(c) Liability of Permittee.—(1) A person to whom a permit is issued in accordance with subsection (a) and any insurer of that person shall not be liable for damages caused by activities required to be undertaken under any terms and conditions of the permit, if the permittee is in compliance with such terms and conditions.

(2) A person to whom a permit is issued in accordance with subsection (a) and any insurer of that person shall be liable, to the extent determined under applicable law, for damages to which paragraph (1) does not apply.

(3) The Secretary may not issue a permit subject to this section to a person unless that person demonstrates to the Secretary the financial ability to assume liability for all damages that may arise with respect to an artificial reef and for which such permittee may be liable. 98 STAT. 3397

(4) Any person who has transferred title to artificial reef construction materials to a person to whom a permit is issued in accordance with subsection (a) shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the plan published under section 204 and are not otherwise defective at the time title is transferred.

(d) LIABILITY OF THE UNITED STATES.—Nothing in this title creates any liability on the part of the United States.

(e) CIVIL PENALTY.—Any person who, after notice and an opportunity for a hearing, is found to have violated any provision of a permit issued in accordance with subsection (a) shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

33 USC 2105.

SEC. 206. DEFINITIONS.

For purposes of this title—

(1) The term "artificial reef" means a structure which is constructed or placed in waters covered under this title for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) The term "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, Johnston Island, Midway Island, and Wake Island.

(3) The term "waters covered under this title" means the navigable waters of the United States and the waters superjacent to the Outer Continental Shelf as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. section 1331), to the extent such waters exist in or are adjacent to any State.

SEC. 207. USE OF CERTAIN VESSELS AS ARTIFICIAL REEFS.

The Act entitled "An Act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce and for other purposes", approved August 22, 1972 (16 U.S.C. 1220-1220c), is amended—

(1) by striking out "Liberty" each place it appears in sections 3, 4, 5, and 6 and inserting in lieu thereof "obsolete";

16 USC 1220. (2) by striking out "Commerce" in section 3 and inserting in lieu thereof "Transportation";

16 USC 1220a. (3) by striking out "shall" in the matter preceding paragraph (1) in section 4 and inserting in lieu thereof "may", and

(4) by adding at the end thereof the following new section:

16 USC 1220d. "SEC. 7. For purposes of sections 3, 4, 5, and 6, the term 'obsolete ship' means any vessel owned by the Department of Transportation that has been determined to be of insufficient value for commercial or national defense purposes to warrant its maintenance and preservation in the national defense reserve fleet and has been designated as an artificial reef candidate.". 98 STAT. 3398

SEC. 208. SAVINGS CLAUSES. 33 USC 2106.

(a) TENNESSEE VALLEY AUTHORITY JURISDICTION.—Nothing in this title shall be construed as replacing or superseding section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y-1).

(b) STATE JURISDICTION.—Nothing in this title shall be construed as extending or diminishing the jurisdiction or authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

TITLE III—ANTARCTIC MARINE LIVING RESOURCES CONVENTION

Antarctic Marine Living Resources Convention Act of 1984.

SEC. 301. SHORT TITLE. 16 USC 2431 note.

This title may be cited as the "Antarctic Marine Living Resources Convention Act of 1984".

SEC. 302. FINDINGS AND PURPOSE. 16 USC 2431.

(a) FINDINGS.—The Congress finds that—

(1) the Convention on the Conservation of Antarctic Marine Living Resources establishes international mechanisms and creates legal obligations necessary for the protection and conservation of Antarctic marine living resources; TIAS 10240.

(2) the Convention incorporates an innovative ecosystem approach to the management of Antarctic marine living resources, including standards designed to ensure the health of the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole;

(3) the Convention serves important United States environmental and resource management interests;

(4) the Convention represents an important contribution to United States long term legal and political objectives of maintenance of Antarctica as an area of peaceful international cooperation;

(5) United States basic and directed research programs concerning the marine living resources of the Antarctic are essential to achieve the United States goal of effective implementation of the objectives of the Convention; and

(6) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of Antarctica.

(b) PURPOSE.—The purpose of this title is to provide the legislative authority necessary to implement, with respect to the United States, the Convention on the Conservation of Antarctic Marine Living Resources.

SEC. 303. DEFINITIONS. 16 USC 2432.

For purposes of this title—

(1) ANTARCTIC CONVERGENCE.—The term "Antarctic Convergence" means a line joining the following points along the parallels of latitude and meridians of longitude: 50 degrees south, 0 degrees; 50 degrees south, 30 degrees east; 45 degrees south, 30 degrees east; 45 degrees south, 80 degrees east; 55 degrees south, 80 degrees east; 55 degrees south, 150 degrees east; 60 degrees south, 150 degrees east; 60 degrees south; 50 degrees west; 50 degrees south, 50 degrees west; and 50 degrees south, 0 degrees.

98 STAT. 3399

(2) ANTARCTIC MARINE LIVING RESOURCES.—The term "Antarctic marine living resources" means the population of finfish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

(3) COMMISSION.—The term "Commission" means the Commission for the Conservation of Antarctic Marine Living Resources established pursuant to article VII of the Convention. TIAS 10240.

(4) Convention.—The term "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980, and entered into force with respect to the United States on April 7, 1982.

(5) Harvesting or other associated activities.—The terms "harvesting" and "harvesting or other associated activities" mean—

(A) the harassing, molesting, harming, pursuing, hunting, shooting, wounding, killing, trapping, or capturing of Antarctic marine living resources;

(B) attempting to engage in any activity set forth in subparagraph (A);

(C) any other activity which can reasonably be expected to result in any activity described in subparagraph (A); and

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

(6) Harvest.—The term "harvest" means to engage in harvesting or other associated activities.

(7) Import.—The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States.

(8) Person.—The term "person" means an individual, partnership, corporation, trust, association, and any other entity subject to the jurisdiction of the United States.

(9) Scientific committee.—The term "Scientific Committee" means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established pursuant to article XIV of the Convention.

(10) Vessel of the united states.—The term "vessel of the United States" means—

97 Stat. 584.
46 USC 12101 *et seq.*
97 Stat. 590.
46 USC 12301 *et seq.*

(A) a vessel documented under chapter 121 of title 46, United States Code, or a vessel numbered as provided in chapter 123 of that title;

(B) a vessel owned in whole or in part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;

98 STAT. 3400

13 UST 2312.

unless the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas.

(11) Vessel subject to the jurisdiction of the united states.—The term "vessel subject to the jurisdiction of the United States" includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article 6 of the 1958 Convention on the High Seas.

16 USC 2433.

SEC. 304. REPRESENTATIVES.

(a) Representative to the Commission.—The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, shall appoint an officer or employee of the United States as the United States representative to the Commission.

(b) REPRESENTATIVE TO THE SCIENTIFIC COMMITTEE.—The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, shall designate the United States representative to the Scientific Committee.

(c) COMPENSATION.—The United States representatives to the Commission and the Scientific Committee shall receive no additional compensation by reason of their services as such representatives.

SEC. 305. CONSERVATION MEASURES; SYSTEM OF OBSERVATION AND INSPECTION.

16 USC 2434.

(a) CONSERVATION MEASURES.—(1) The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, is authorized—

(A) to decide on behalf of the United States whether the United States is unable to accept or can no longer accept a conservation measure adopted by the Commission pursuant to article IX of the Convention, and

(B) to notify the Commission of any such decision in accordance with article IX of the Convention.

(2) The Secretary of State shall—

Federal Register, publication.

(A) publish in the Federal Register, if practicable, timely notice of each proposed decision under paragraph (1) and invite written public comment regarding it; and

(B) publish in the Federal Register notice of each notification made to the Commission under paragraph (1).

(b) SYSTEM OF OBSERVATION AND INSPECTION.—The Secretary of State, with the concurrence of the Secretary of Commerce, the Director of the National Science Foundation and the Secretary of the department in which the Coast Guard is operating, is authorized to agree on behalf of the United States to the establishment of a system of observation and inspection, and to interim arrangements pending establishment of such a system, pursuant to article XXIV of the Convention.

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(c) COMMUNICATIONS FROM THE COMMISSION.—The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, and other communications from the Commission and to take appropriate action on them, either directly or by reference to the appropriate authority.

SEC. 306. UNLAWFUL ACTIVITIES.

Law enforcement.
16 USC 2435.
Conservation.
TIAS 10240.

It is unlawful for any person—

(1) to engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention;

(2) to violate any regulation promulgated under this title;

(3) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of, any Antarctic marine living resource (or part or product thereof) which he knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic marine living resource (or part or product thereof);

(4) to refuse to permit any authorized officer or employee of the United States to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this title, or any regulations promulgated under this title;

(5) to assault, resist, oppose, impede, intimidate, or interfere

with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (4);

(6) to resist a lawful arrest or detention for any act prohibited by this section; or

(7) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section.

16 USC 2436.

SEC. 307. REGULATIONS.

The Secretary of Commerce, after consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, and the heads of other appropriate departments or agencies of the United States, shall promulgate such regulations as are necessary and appropriate to implement the provisions of this title.

Prohibition.
16 USC 2437.

SEC. 308. CIVIL PENALTIES.

(a) Assessment of Penalties.—(1) Any person who is found by the Secretary of Commerce, after notice and opportunity for a hearing in accordance with subsection (b), to have committed any act prohibited by section 306 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $5,000 for each violation unless the prohibited act was knowingly committed, in which case the amount of the civil penalty shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate violation for purposes of this subsection. The amount of any civil penalty shall be assessed by the Secretary of Commerce by written notice. In determining the amount of such penalty, the Secretary of Commerce shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed, and, with respect to the person committing the violation, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require, to the extent that such information is reasonably available to the Secretary.

(2) The Secretary of Commerce may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section, until such time as the matter is referred to the Attorney General under subsection (c) of this section.

(b) Hearings.—Hearings for the assessment of civil penalties under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code. For the purposes of conducting any such hearing, the Secretary of Commerce may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General of the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary of Commerce or to appear and produce documents before the Secretary of Commerce, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Courts, U.S.

(c) Review of Civil Penalty.—Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary of Commerce, the Attorney

General, and the appropriate United States Attorney. The Secretary of Commerce shall promptly refer the matter to the Attorney General of the United States, who shall file in such court a certified copy of the record upon which the violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The court shall set aside the findings and order of the Secretary if the findings and order are found to be unsupported by substantial evidence, as provided in section 706(2)(E) of title 5, United States Code.

Courts, U.S.

(d) RECOVERY OF CIVIL PENALTIES.—The Attorney General of the United States may seek to recover in any appropriate district court of the United States (1) any civil penalty imposed under this section that has become a final and unappealable order and has been referred to the Attorney General by the Secretary of Commerce or (2) any final judgment rendered under this section in favor of the United States by an appropriate Court.

(e) PENALTIES UNDER OTHER LAWS.—The assessment of a civil penalty under subsection (a) for any act shall not be deemed to preclude the assessment of a civil penalty for such act under any other law.

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SEC. 309. CRIMINAL OFFENSES.

16 USC 2438.

Prohibition.

(a) OFFENSES.—A person is guilty of an offense if that person commits any act prohibited by paragraph (4), (5), (6), or (7) of section 306.

(b) PUNISHMENT.—Any offense described in subsection (a) is punishable by a fine of $50,000, or imprisonment for not more than ten years, or both.

(c) OFFENSES UNDER OTHER LAWS.—A conviction under subsection (a) for any act shall not be deemed to preclude a conviction for such act under any other law.

SEC. 310. ENFORCEMENT.

16 USC 2439.

(a) RESPONSIBILITY.—The provisions of this title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may utilize by agreement, on a reimbursable basis or otherwise, the personnel, services, and facilities of any other department or agency of the United States in the performance of such duties.

(b) POWERS OF AUTHORIZED OFFICERS AND EMPLOYEES.—Any officer or employee of the United States who is authorized (by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, or the head of any department or agency of the United States which has entered into an agreement with either Secretary under subsection (a)) to enforce the provisions of this title and of any regulation promulgated under this title may, in enforcing such provisions—

(1) secure, execute, and serve any order, warrant, subpoena, or other process, which is issued under the authority of the United States;

(2) search without warrant any person, place, vehicle or aircraft subject to the jurisdiction of the United States where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section 306;

Vessels.

(3) with or without a warrant board and search or inspect any vessel of the United States or vessel subject to the jurisdiction of the United States;

(4) seize without warrant—

(A) any evidentiary item where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section 306,

(B) any Antarctic marine living resources (or part of product thereof) with respect to which such an act is committed,

(C) any vessel of the United States (including its gear, furniture, appurtenances, stores, and cargo), any vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stores, and cargo), and any vehicle, aircraft, or other means of transportation subject to the jurisdiction of the United States used in connection with such an act, and

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(D) any guns, traps, nets, or equipment used in connection with such an act;

(5) offer and pay rewards for services or information which may lead to the apprehension of persons violating such provisions;

(6) make inquiries, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter which is related to the enforcement of such provisions;

(7) in coordination with the Secretary of the Treasury, detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation into, or exportation from, the United States;

(8) make an arrest with or without a warrant with respect to any act prohibited by paragraph (4), (5), (6), or (7) of section 306 if such officer or employee has reasonable grounds to believe that the person to be arrested is committing such act in his or her presence or view or has committed such act;

(9) exercise enforcement powers conferred on such officer or employee under a system of observation and inspection, or interim arrangements pending the establishment of such a system, which the Secretary of State has agreed to on behalf of the United States pursuant to section 305(b); and

(10) exercise any other authority which such officer or employee is permitted by law to exercise.

(c) Seizure.—Subject to the succeeding provisions of this subsection, any property or item seized pursuant to subsection (b) shall be held by any officer or employee of the United States, who is authorized by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, pending the disposition of civil or criminal proceedings concerning the violation relating to the property or item, or the institution of an action in rem for the forfeiture of such property or item. Such authorized officer or employee may, upon the order of a court of competent jurisdiction, either release such seized property or item to the wild or destroy such property or item, when the cost of maintenance of the property or item pending the disposition of the case is greater than the legitimate market value of the property or item. Such authorized officer or employee and all officers or employees acting by or under his or her direction shall be indemnified from any penalties or actions for damages for so releasing or destroying such property or item. Such authorized officer or employee may, in lieu of holding such property or item, permit the owner or consignee thereof to post a bond or other satisfactory surety.

(d) Forfeiture.—(1) Any Antarctic marine living resource (or part or product thereof) with respect to which an act prohibited by section 306 is committed, any vessel of the United States (including its gear, furniture, appurtenances, stoves, and cargo), vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stoves, and cargo), or vessel, vehicle, or aircraft or other means of transportation subject to the jurisdiction of the United States, which is used in connection with an act prohibited by section 306, and all guns, traps, nets, and other equipment used in connection with such act, shall be subject to forfeiture to the United States.

(2) Upon the forfeiture to the United States of any property or item described in paragraph (1), or upon the abandonment or waiver of any claim to any such property or item, it shall be disposed of by the Secretary of Commerce, or the Secretary of the department in which the Coast Guard is operating, as the case may be, in such a

manner, consistent with the purposes of this title, as may be prescribed by regulation.

(e) APPLICATION OF CUSTOMS LAWS.—All provisions of law relating to the seizure, forfeiture, and condemnation of property (including vessels) for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, and the compromise of claims, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Customs Service may, for the purposes of this title, also be exercised or performed by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, or by such officers or employees of the United States as each Secretary may designate.

16 USC 2440.

SEC. 311. JURISDICTION OF COURTS.

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title or of any regulation promulgated under this title.

Research and development.
16 USC 2441.

SEC. 312. FEDERAL AGENCY COOPERATION.

(a) RESPONSIBILITIES.—(1) For the purpose of carrying out the policies and objectives of the Convention or to implement any decision of the Commission—

(A) the Director of the National Science Foundation, in consultation with the Secretary of State and the heads of other appropriate departments and agencies of the United States, shall continue to support basic research investigations of the Antarctic marine ecosystem as a part of the United States Antarctic Program;

Science and technology.

(B) the Secretary of Commerce, in consultation with the Director of the National Science Foundation, the Secretary of State and the heads of other appropriate Federal agencies, shall design and conduct the program of directed scientific research as set forth in paragraph 2 supplemental to and coordinated with the United States Antarctic Program; and

(C) the Secretary of Commerce and the Director of the National Science Foundation, in consultation with the Secretary of State, may furnish facilities and personnel to the Commission in order to assist the Commission in carrying out its functions.

(2)(A) The Secretary of Commerce, in consultation with the Secretary of State, the Director of the National Science Foundation, and other appropriate Federal officials, shall prepare a plan, which shall be updated annually, for conducting the directed research program required under paragraph (1)(B) for each period of three consecutive fiscal years occurring during the period beginning on October 1, 1985, and ending on September 30, 1991. The plan shall—

(i) describe priority directed research needs for the implementation of the Convention;

(ii) identify which of those needs are to be fulfilled by the United States; and

(iii) specify the design of the research referred to in paragraph (1)(B) and the funds, personnel, and facilities required for the research, including, in particular, the need for the cost of enhanced ship capacity.

(B) In preparing the plan referred to in subparagraph (A), the Secretary of Commerce shall take into account, in addition to any other matters the Secretary considers appropriate, the possibilities of securing productive results, the minimization of duplication, and the methods for monitoring and evaluating a project.

(C) The Secretary of Commerce shall submit to the Congress each year the plan required under subparagraph (A). That part of the plan covering fiscal years 1986 through 1988 shall be submitted not later than October 1, 1985. That part of the plan covering each 3-fiscal-year period thereafter shall be submitted not later than the February 1 occurring before the beginning of the first fiscal year covered by that part of the plan.

(b) Consultation With Other Agencies.—In carrying out their functions under this section, the Secretary of State, the Secretary of Commerce, and the Director of the National Science Foundation shall consult, as appropriate, with the Marine Mammal Commission and with other departments and agencies of the United States.

Uniformed services.

(c) Icebreaking.—The Department of Transportation shall facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers needed to provide a platform for Antarctic research. All funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, shall be allocated to the United States Coast Guard.

16 USC 2442.

SEC. 313. RELATIONSHIP TO EXISTING TREATIES AND STATUTES.

(a) In General.—Nothing in this Act shall be construed as contravening or superseding (1) the provisions of any international treaty, convention, or agreement, if such treaty, convention or agreement is in force with respect to the United States on the date of the enactment of this title, or (2) the provisions of any statute which implements any such treaty, convention, or agreement. Nothing in this title shall be construed as contravening or superseding the provisions of any statute enacted before the date of the enactment of this title which may otherwise apply to Antarctic marine living resources.

TIAS 10240.

(b) Application of More Restrictive Provisions.—Nothing in this section shall be construed to prevent the application of provisions of the Convention, conservation measures adopted by the Commission pursuant to article IX of the Convention, or regulations promulgated under this title, which are more restrictive than the provisions of, measures adopted under, or regulations promulgated under, the treaties or statutes described in subsection (a).

16 USC 2443.

SEC 314. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this title, including, but not limited to—

(1) necessary travel expenses of the United States representatives referred to in section 304, alternate United States representatives, and authorized advisers and experts, in accordance with sections 5701 through 5708, 5731, and 5733 of title 5, United States Code, and the regulations issued under those sections;

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TIAS 10240.

(2) the United States contribution to the budget of the Commission as provided in article XIX of the Convention; and

(3) the directed research program and the furnishing of facilities and personnel to the Commission referred to in section 312.

16 USC 2444.

SEC. 315. SEVERABILITY.

If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. NOAA MARINE FISHERIES PROGRAM AUTHORIZATION ACT AMENDMENTS.

The National Oceanic and Atmospheric Administration Marine

Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended as follows:

(1) Section 2 is amended—

(A) by inserting ", and $28,000,000 for fiscal year 1985" immediately after "1984" in subsection (a); and

(B) by striking out "of 1976" in subsection (b).

(2) Section 3 is amended—

(A) by inserting ", and $35,000,000 for fiscal year 1985" immediately after "1984" in subsection (a); and

(B) by inserting "Magnuson" immediately before "Fishery", and by striking out "of 1976", in subsection (b).

(3) Section 4 is amended—

(A) by amending subsection (a)—

(i) by inserting ", and $12,000,000 for fiscal year 1985" immediately after "1984", and

(ii) by striking out "boats" and inserting in lieu thereof "vessels"; and

(B) by striking out "of 1976" in subsection (b).

(4) Sections 2, 3, and 4 are each further amended by adding at the end thereof the following:

"(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.".

SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AQUACULTURE ACT OF 1980.

Paragraphs (1), (2), and (3) of section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809 (1), (2), and (3)) are amended to read as follows:

"(1) to the Department of Agriculture, $2,000,000 for each of fiscal years 1984 and 1985;

"(2) to the Department of Commerce, $2,000,000 for each of fiscal years 1984 and 1985; and

"(3) to the Department of the Interior, $1,000,000 for each of fiscal years 1984 and 1985.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR DEEP SEABED HARD MINERAL RESOURCES ACT.

Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking out "and" immediately after "1983,"; and

(2) by inserting ", and $1,500,000 for each of the fiscal years ending September 30, 1985, and September 30, 1986" immediately before the period at the end thereof.

SEC. 404. MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENTS.

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) is amended as follows:

(1) Section 201(d)(4) is amended by striking out "shall" the first time it appears and inserting in lieu thereof "may". 16 USC 1821.

(2) Section 201(e)(1) is amended—

(A) by striking out "shall determine the allocation among foreign nations of" in subparagraph (A) and inserting in lieu thereof "may make allocations to foreign nations from";

(B) by amending subparagraph (E)(i)—

(i) by inserting "both" immediately before "United States",

(ii) by striking out "or fishery" and inserting in lieu thereof "and fishery", and

(iii) by inserting the following immediately before the semicolon at the end thereof: ", particularly fish and fishery products for which the foreign nation has requested an allocation"; and

(C) by amending subparagraph (E)(ii) to read as follows:

"(ii) whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors, and the advancement of fisheries trade through the purchase of fish and fishery products from United States fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation;".

16 USC 1851. (3) Section 301(a)(1) is amended by inserting "for the United States fishing industry" immediately before the period at the end thereof.

16 USC 1856. (4) Section 306(a) is amended to read as follows:

"(a) IN GENERAL.—

"(1) Except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries.

"(2) For the purposes of this Act, except as provided in subsection (b), the jurisdiction and authority of a State shall extend—

Water. "(A) to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States pursuant to the Geneva Convention on the Territorial Sea and Contiguous Zone or any successor convention to which the United States is a party;

"(B) with respect to the body of water commonly known as Nantucket Sound, to the pocket of water west of the seventieth meridian west of Greenwich; and

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Alaska. "(C) to the waters of southeastern Alaska (for the purpose of regulating fishing for other than any species of crab) that are—

"(i) north of the line representing the international boundary at Dixon Entrance and the westward extension of that line; east of 138 degrees west longitude; and not more than three nautical miles seaward from the coast, from the lines extending from headland to headland across all bays, inlets, straits, passes, sounds, and entrances, and from any island or group of islands, including the islands of the Alexander Archipelago (except Forrester Island); or

"(ii) between the islands referred to in clause (i) (except Forrester Island) and the mainland.

Vessels. "(3) Except as otherwise provided by paragraph (2), a State may not directly or indirectly regulate any fishing vessel outside its boundaries, unless the vessel is registered under the law of that State.".

SEC. 405. EXPORT AUTHORITY REGARDING FISH.

(a) COMMODITY CREDIT CORPORATION.—Section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended by inserting "(including fish and fish products, without regard to whether such fish are harvested in aquacultural operations)" after "agricultural commodities".

(b) AGRICULTURAL TRADE DEVELOPMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended—

(1) by inserting "(including fish, without regard to whether such fish are harvested in aquacultural operations)" after "United States" the first place it appears; and

(2) by striking out the third sentence.

(c) FOOD FOR PEACE.—Section 4(c) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(c)) is amended by inserting "(including fish, without regard to whether such fish are harvested in aquacultural operations)" after "agricultural commodity" the second place it appears.

(d) Effective Date.—For purposes of section 135 of the Omnibus Budget Reconciliation Act of 1982 (7 U.S.C. 612c note), the amendments made by this section shall be considered to have taken effect before the date of the enactment of that Act. 7 USC 1707a note.

SEC. 406. RELINQUISHMENT OF LEGISLATIVE JURISDICTION OVER CERTAIN LANDS.

15 USC 1529.

State and local governments.

Notwithstanding any other law, the Secretary of Commerce, whenever the Secretary considers it desirable, may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under the Secretary's control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished—

(1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance of the notice; or

(2) as required by the laws of the State, Commonwealth, territory, or possession.

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TITLE V—NATIONAL SEA GRANT COLLEGE PROGRAM

AUTHORIZATION

Sec. 501. (a) Section 212 of the National Sea Grant Program Act (33 U.S.C. 1131) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) Not to exceed $39,000,000 for fiscal year 1985, not to exceed $42,000,000 for fiscal year 1986, and not to exceed $44,000,000 for fiscal year 1987.".

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) For fiscal years 1985, 1986, and 1987, not to exceed $1,000,000, appropriated in each fiscal year pursuant to section 212 of the National Sea Grant Program Act, may be available to carry out this section.".

TITLE VI—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

Sec. 601. Section 406 of the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) is amended by— 42 USC 9166.

(1) striking out the word "and" after "1982,"; and

(2) striking out "1983." and inserting in lieu thereof "1983, not to exceed $480,000 for each of the fiscal years ending September 30, 1984 and September 30, 1985, and not to exceed $630,000 for each of the fiscal years ending September 30, 1986 and September 30, 1987.".

MISCELLANEOUS

Sec. 602. (a) The Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) is amended—

(1) in section 2(a)(1) by striking out "located in the territorial sea" and inserting in lieu thereof "located in whole or in part between the highwater mark and the seaward boundary of the territorial sea"; 42 USC 9101.

(2) in section 3(11) by striking out "standing or moored in or beyond the territorial sea of the United States" and inserting in lieu thereof "standing, fixed or moored in whole or in part seaward of the highwater mark"; 42 USC 9102.

(3) in the first sentence of section 101(a) by striking out "located in the territorial sea" and inserting in lieu thereof 42 USC 9111.

"located in whole or in part between the highwater mark and the seaward boundary of the territorial sea";

(4) in section 101(b)(2) by striking out "located in the territorial sea" and inserting in lieu thereof "located in whole or in part between the highwater mark and the seaward boundary of the territorial sea";

(5) in section 101(c)(7) by striking out "will not be documented under the laws of the United States;" and inserting in lieu thereof "will be documented under the laws of a foreign nation;";

42 USC 9118. (6) in section 108(e)(2)(C)(ii) by striking out "moored or standing" and inserting in lieu thereof "moored, fixed or standing";

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42 USC 9118. (7) in section 108(e) by adding a new paragraph (4) to read as follows:

"(4) For the purposes of this subsection the term 'ocean thermal energy conversion facility' refers only to an ocean thermal energy conversion facility which has major components other than water intake or discharge pipes located seaward of the highwater mark";

42 USC 9120. (8) in section 110(1) by striking out "aboard" and inserting in lieu thereof "in or aboard";

42 USC 9151. (9) in section 301 by striking out "on board" and inserting in lieu thereof "in or on board", by striking out "or other" and inserting in lieu thereof "or on board any", and by striking out in paragraph (2) thereof "to board" and inserting in lieu thereof "to enter or board";

42 USC 9153. (10) in section 303(b) by striking out "on board" and inserting in lieu thereof "in or on board", by striking out "or other" in the chapeau and inserting in lieu thereof "or any", and by striking out in paragraph (1) thereof "board and inspect" and inserting in lieu thereof "enter or board, and inspect, any ocean thermal energy conversion facility or plantship or";

42 USC 9163. (11) in the first sentence of section 403(a)(1) by inserting "and all of which is located seaward of the highwater mark," immediately after "licensed under this Act"; and

(12) in the first sentence of the section 403(c)(2) by inserting "documented under the laws of the United States and" immediately after "ocean thermal energy conversion facility or plantship".

(b) Such Act is further amended—

42 USC 9111. (1) in section 101(c)(1) by striking out "cannot and will not" and inserting in lieu thereof "cannot or will not";

(2) in section 101(c)(5) by striking out "has expired;" and inserting in lieu thereof "has not expired;";

(3) in section 101(c)(10) by striking out "each" and inserting in lieu thereof "any";

(4) in section 101(c)(13) by striking out "and" after the semicolon and inserting in lieu thereof "or"; and

(5) in section 101(c)(10) by striking out "(33 U.S.C. 1451 et seq.)" and inserting in lieu thereof "(16 U.S.C 1451 et seq.)".

42 USC 9165. (c) Section 405 of such Act is amended by striking out "of the first 3 fiscal years" and inserting in lieu thereof "fiscal year".

(d) Such Act is further amended by adding the following new section:

Report.
Exports.
42 USC 9168.

"SEC. 408. Within 18 months after the date of enactment of this provision, the Administrator shall submit to the President of the Senate and the Speaker of the House of Representatives a report detailing what steps the United States Government is taking and plans to take to promote and enhance the export potential of ocean thermal energy conversion components, facilities, and plantships manufactured by United States industry. Such report shall include—

"(1) the relevant views of the National Oceanic and Atmospheric Administration, International Trade Administration, Maritime Administration, Department of Energy, Small Business Administration, United States International Development Cooperative Agency, the Office of the Special Trade Representative, and other relevant United States Government agencies;

"(2) the findings of studies conducted by the Administrator to fulfill the intent of this section;

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"(3) a summary of activities, including consultations held with representatives of both the ocean thermal energy conversion and financial industries conducted by the Administrator to fulfill the intent of this section; and

"(4) such recommendations as the Administrator deems appropriate for amending the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) or other relevant Acts to better promote and enhance the export potential of ocean thermal energy conversion components, facilities and plantships manufactured by United States industry.".

Exports.
42 USC 9101 note.

(e) Such Act is further amended—

(1) in the first sentence of section 108(d)(1) by striking out "reorganizational safety" and inserting in lieu thereof "navigational safety";

42 USC 9118.

(2) in section 109(b)(2) by striking out "natural" and inserting in lieu thereof "national";

42 USC 9119.

(3) in section 112(b) by striking out "confidential commercial and financial information)" and inserting in lieu thereof "commercial or financial information which is privileged or confidential)";

42 USC 9122.

(4) in section 116(a) by striking out "facility or platform" and inserting in lieu thereof "facility or plantship";

42 USC 9126.

(5) in section 302(b)(1) by inserting "to halt" immediately after "injunction,";

42 USC 9152.

(6) in the first sentence of section 403(c)(2) by striking out "Treasury" and inserting in lieu thereof "Treasury, including the provisions of the Tariff Act of 1930, as amended (19 U.S.C. 1202), and other laws codified in title 19, United States Code,";

42 USC 9163.

(7) in section 3(11) by striking out "freshwater," and inserting in lieu thereof "fresh water,";

Water.
42 USC 9102.

(8) in section 101(c)(4) by striking out "enforcement" and inserting in lieu thereof "regulatory";

42 USC 9111.

(9) in section 101(c)(6) by striking out "for license" and inserting in lieu thereof "for a license";

(10) in section 101(c)(14) by striking out "when" and inserting in lieu thereof "if";

(11) in section 101(d)(2) by striking out "licensee" and inserting in lieu thereof "applicant, licensee";

(12) in the first sentence of section 105(a)(2) by striking out "that (A)" and inserting in lieu thereof "(A) that";

42 USC 9115.

(13) in the first sentence of section 105(b)(1) by striking out "of adjacent" and inserting in lieu thereof "of an adjacent";

(14) in the third sentence of section 105(b)(1) by striking out "is" and inserting in lieu thereof "are";

(15) by inserting the text of section 109(b)(3) as a new paragraph (3) immediately after the end of paragraph (2) of section 108(d), and by repealing section 109(b)(3);

(16) in section 109(c) by striking out "such of" and inserting in lieu thereof "of such", and by striking out "impingment" and inserting in lieu thereof "impingement";

(17) in section 111(b) by striking out "environment established by any treaty or convention," and inserting in lieu thereof "environment"; and

42 USC 9121.

(18) in section 112(b)(2)(B) by striking out "administrator" and inserting in lieu thereof "Administrator".

(f) Section 102(h) of such Act is amended to read as follows:

42 USC 9112.

"(h) The Administrator shall not take final action on any application unless the applicant has paid to the Administrator a reasonable administrative fee, which shall be deposited into miscellaneous receipts of the Treasury. The amount of the fee imposed by the Administrator on any applicant shall reflect the reasonable admin-

98 STAT. 3413

istrative costs incurred by the National Oceanic and Atmospheric Administration in reviewing and processing the application.".

TITLE VII—EXPOSURE SUITS

SEC. 701. (a)(1) Chapter 31 of title 46, United States Code, is amended by adding at the end thereof the following:

46 USC 3102.
Regulations.
Vessels.
Health.

"§ 3102. Exposure suits

"(a) The Secretary shall by regulation require exposure suits on vessels designated by the Secretary that operate in the Atlantic Ocean north of 32 degrees North latitude or south of 32 degrees South latitude and in all other waters north of 35 degrees North latitude or south of 35 degrees South latitude. The Secretary may not exclude a vessel from designation under this section only because that vessel carries other lifesaving equipment.

"(b) The Secretary shall establish standards for an exposure suit required by this section, including standards to guarantee adequate thermal protection, buoyance, and flotation stability.

"(c)(1) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

"(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than $25,000, imprisoned for not more than 5 years, or both.".

(2) The analysis of chapter 31 of title 46, United States Code, is amended by inserting immediately after the item relating to section 3101 the following:

"3102. Exposure suits.".

46 USC 3102 note.

(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

Effective date.
46 USC 3102 note.

(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this title.

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Report.

(d) Not later than six months after the date of enactment of this title, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating the benefits and disadvantages of extending the regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section) to require exposure suits on designated vessels operating in all waters north of 31 degrees North latitude or south of 31 degrees South latitude.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 6342:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 4, considered and passed House.
Oct. 10, considered and passed Senate.

DEFENSE ACTS

Public Law 98-407
98th Congress

98 STAT. 1495

An Act

To authorize certain construction at military installations for fiscal year 1985, and for other purposes.

Aug. 28, 1984
[H.R. 5604]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1985".

Military Construction Authorization Act, 1985.

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $98,160,000.
Fort Campbell, Kentucky, $18,840,000.
Fort Carson, Colorado, $34,300,000.
Fort Devens, Massachusetts, $4,450,000.
Fort Drum, New York, $17,740,000.
Fort Hood, Texas, $70,190,000.
Fort Indiantown Gap, Pennsylvania, $2,500,000.
Fort Irwin, California, $19,770,000.
Fort Lewis, Washington, $344,730,000.
Fort Meade, Maryland, $5,900,000.
Fort Ord, California, $14,960,000.
Fort Polk, Louisiana, $39,250,000.
Fort Richardson, Alaska, $7,250,000.
Fort Riley, Kansas, $33,800,000.
Fort Stewart, Georgia, $66,130,000.
Presidio of San Francisco, California, $20,980,000.

UNITED STATES ARMY WESTERN COMMAND

Hawaii, Various, $2,980,000.
Helemano Military Reservation, Hawaii, $4,650,000.
Schofield Barracks, Hawaii, $37,070,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, $48,400,000.
Fort Benjamin Harrison, Indiana, $13,400,000.
Fort Benning, Georgia, $37,650,000.
Fort Bliss, Texas, $24,550,000.
Fort Dix, New Jersey, $17,650,000.
Fort Eustis, Virginia, $3,300,000.

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Fort Gordon, Georgia, $12,200,000.
Fort Jackson, South Carolina, $35,760,000.
Fort Knox, Kentucky, $13,600,000.
Fort Leavenworth, Kansas, $11,000,000.
Fort Lee, Virginia, $1,150,000.

Fort Leonard Wood, Missouri, $6,450,000.
Fort McClellan, Alabama, $6,300,000.
Fort Pickett, Virginia, $2,400,000.
Fort Rucker, Alabama, $2,600,000.
Fort Sill, Oklahoma, $27,400,000.
Fort Story, Virginia, $6,100,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $700,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $65,400,000.
Anniston Army Depot, Alabama, $4,500,000.
Corpus Christi Army Depot, Texas, $2,200,000.
Crane Army Ammunition Activity, Indiana, $3,600,000.
Fort Monmouth, New Jersey, $15,650,000.
New Cumberland Army Depot, Pennsylvania, $7,800,000.
Picatinny Arsenal, New Jersey, $9,780,000.
Pine Bluff Arsenal, Arkansas, $2,550,000.
Radford Army Ammunition Plant, Virginia, $26,000,000.
Red River Army Depot, Texas, $830,000.
Redstone Arsenal, Alabama, $1,900,000.
Rock Island Arsenal, Illinois, $50,900,000.
Seneca Army Depot, New York, $6,900,000.
Sharpe Army Depot, California, $49,000,000.
Sierra Army Depot, California, $4,150,000.
Tobyhanna Army Depot, Pennsylvania, $810,000.
White Sands Missile Range, New Mexico, $2,250,000.
Yuma Proving Ground, Arizona, $1,300,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $19,840,000.
Indiana Army Ammunition Plant, Indiana, $1,900,000.
Iowa Army Ammunition Plant, Iowa, $1,790,000.
Louisiana Army Ammunition Plant, Louisiana, $1,600,000.
Radford Army Ammunition Plant, Virginia, $2,940,000.
Scranton Army Ammunition Plant, Pennsylvania, $2,050,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $5,670,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $950,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fitzsimons Army Medical Center, Colorado, $650,000.
98 STAT. 1497 Fort Detrick, Maryland, $21,500,000.

Tripler Army Medical Center, Hawaii, $115,000,000.

Walter Reed Army Medical Center, Washington, District of Columbia, $4,800,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, $570,000.
Oakland Army Base, California, $2,667,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Cold Regions Laboratory, New Hampshire, $3,600,000.

BALLISTIC MISSILE DEFENSE SYSTEM COMMAND

Various locations, $12,800,000.

CLASSIFIED PROJECTS

Various locations, $3,800,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Japan, $1,900,000.

EIGHTH UNITED STATES ARMY

Korea, $115,840,000.

UNITED STATES ARMY, SOUTHERN COMMAND

Honduras, $4,300,000.

UNITED STATES ARMY, EUROPE

Germany, $303,650,000.
Greece, $9,730,000.

UNITED STATES ARMY, WESTERN COMMAND

Johnston Island, $21,000,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $2,400,000.

FAMILY HOUSING

SEC. 102. (a) The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Sierra Army Depot, California, one hundred and twenty-five units, $660,000.

Sierra Army Depot, California, eighty units, $5,721,000.

Aberdeen Proving Ground, Maryland, four hundred and thirty-nine units, $30,792,000.

Fort Hood, Texas, twenty units, $1,950,000. 98 STAT. 1498

Babenhausen, Federal Republic of Germany, one hundred and six units, $8,856,000.

Mainz, Federal Republic of Germany, one hundred and eighty-six units, $18,233,000.

(b)(1) Of the family housing units authorized by subsection (a) to be constructed at Fort Hood, Texas—

(A) three of those units shall be constructed for assignment to general officers who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense) and (notwithstanding section 2826 of title 10, United States Code) each such unit may be constructed with a maximum net floor area of 3,000 square feet; and

(B) seventeen of those units shall be constructed for assignment to colonels who hold positions as commanders and (notwithstanding section 2826 of title 10, United States Code) each such unit may be constructed with a maximum net floor area of 2,100 square feet.

(2) For the purposes of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $105,876,000, of which $19,842,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve one hundred and eight existing military family housing units at Fort Hamilton, New York, in the amount of $3,996,000.

DESIGN FOR REPLACEMENT FACILITIES, BROOKE ARMY MEDICAL CENTER, SAN ANTONIO, TEXAS

SEC. 104. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall enter into a contract for the design of replacement facilities for the Brooke Army Medical Center in San Antonio, Texas. The contract shall require that the design for such replacement facilities provide for capacity of not less than 450 beds. The contract shall also require that the design for such replacement facilities be accomplished in a manner that will accommodate future expansion in the event that such expansion becomes necessary as the result of increased peacetime need or to meet mobilization requirements.

Report.

(b) At the time the Secretary enters into a contract under subsection (a), the Secretary shall submit a report to Congress stating the initial number of hospital beds with which such replacement facilities should be equipped.

LIMITATION ON FUNDS FOR NEW HOSPITAL CONSTRUCTION, FORT LEWIS, WASHINGTON

SEC. 105. During fiscal year 1985, the Secretary of the Army may obligate funds for the construction of a new hospital at Fort Lewis, Washington, only to accomplish that site preparation construction work that may be accomplished independent of the size of the hospital.

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TITLE II--NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, $5,670,000.

Marine Corps Air Station, Beaufort, South Carolina, $3,490,000.

Camp H. M. Smith, Oahu, Hawaii, $1,910,000.

Marine Corps Base, Camp Lejeune, North Carolina, $36,370,000.

Marine Corps Base, Camp Pendleton, California, $54,332,000.

Marine Corps Air Station, Cherry Point, North Carolina, $14,810,000.

Marine Corps Air Station, El Toro, California, $17,610,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $16,540,000.

Marine Corps Air Station, New River, North Carolina, $340,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $11,220,000.

Marine Corps Development and Education Command, Quantico, Virginia, $3,710,000.

Marine Corps Recruit Depot, San Diego, California, $18,570,000.

Marine Corps Air Station, Tustin, California, $15,050,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $7,830,000.
Marine Barracks, Washington, District of Columbia, $2,540,000.
Marine Corps Air Station, Yuma, Arizona, $14,090,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, $31,650,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $1,960,000.
Naval Safety Center, Norfolk, Virginia, $3,640,000.
Naval Regional Data Automation Center, San Diego, California, $15,700,000.
Personnel Support Activity, Washington, District of Columbia, $250,000.
Commandant Naval District Washington, District of Columbia, $16,000,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $2,510,000.
Naval Station, Charleston, South Carolina, $11,930,000.
Naval Air Station, Jacksonville, Florida, $7,400,000.
Naval Amphibious Base, Little Creek, Virginia, $27,920,000.
Naval Station, Mayport, Florida, $9,940,000.
Naval Submarine Base, New London, Connecticut, $23,000,000. 98 STAT. 1500
Atlantic Fleet Headquarters Support Activity, Norfolk, Virginia, $24,700,000.
Naval Air Station, Norfolk, Virginia, $3,600,000.
Naval Station, Norfolk, Virginia, $30,615,000.
Personnel Support Activity, Norfolk, Virginia, $3,470,000.
Naval Air Station, Oceana, Virginia, $3,565,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Facility, Adak, Alaska, $3,900,000.
Naval Station, Adak, Alaska, $5,140,000.
Naval Air Station, Alameda, California, $5,810,000.
Naval Submarine Base, Bangor, Washington, $440,000.
Naval Air Station, Barbers Point, Hawaii, $6,630,000.
Naval Amphibious Base, Coronado, California, $8,740,000.
Naval Air Facility, El Centro, California, $1,700,000.
Naval Air Station, Fallon, Nevada, $34,440,000.
Naval Air Station, Lemoore, California, $580,000.
Naval Station, Long Beach, California, $990,000.
Shore Intermediate Maintenance Activity, Long Beach, California, $11,700,000.
Naval Magazine, Lualualei, Hawaii, $3,130,000.
Naval Station, Mare Island, Vallejo, California, $7,690,000.
Naval Air Station, Miramar, California, $3,460,000.
Naval Air Station, Moffett Field, California, $6,370,000.
Naval Air Station, North Island, California, $6,380,000.
Commander, Oceanographic System Pacific, Pearl Harbor, Hawaii, $17,000,000.
Naval Station, Pearl Harbor, Hawaii, $545,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $18,815,000.
Naval Station, San Diego, California, $17,300,000.
Naval Submarine Base, San Diego, California, $25,900,000.
Naval Air Station, Whidbey Island, Washington, $27,880,000.

NAVAL EDUCATION AND TRAINING COMMAND

Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina, $710,000.
Naval Air Station, Chase Field, Texas, $3,315,000.

Naval Air Station, Corpus Christi, Texas, $4,615,000.

Personnel Support Activity, Corpus Christi, Texas, $710,000.

Naval Training Center, Great Lakes, Illinois, $11,950,000.

Naval Air Station, Kingsville, Texas, $1,470,000.

Naval Amphibious School, Little Creek, Virginia, $725,000.

Fleet Training Center, Mayport, Florida, $6,510,000.

Naval Air Station, Memphis, Tennessee, $10,360,000.

Naval Air Station, Meridian, Mississippi, $2,870,000.

Naval Submarine School, New London, Connecticut, $11,050,000.

Naval Education and Training Center, Newport, Rhode Island, $5,360,000.

Fleet Training Center, Norfolk, Virginia, $4,450,000.

Naval Training Center, Orlando, Florida, $3,720,000.

Naval Diving and Salvage Training Center, Panama City, Florida, $1,250,000.

Naval Air Station, Pensacola, Florida, $1,270,000.

98 STAT. 1501 Personnel Support Activity, Pensacola, Florida, $2,510,000.

Naval Construction Training Center, Port Hueneme, California, $4,580,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $6,470,000.

Fleet Training Center, San Diego, California, $5,250,000.

Naval Training Center, San Diego, California, $8,300,000.

Naval Air Station, Whiting Field, Florida, $3,950,000.

NAVAL MEDICAL COMMAND

Naval Hospital, Bremerton, Washington, $6,220,000.

Naval Hospital, Camp Lejeune, North Carolina, $970,000.

Naval Hospital, Camp Pendleton, California, $1,410,000.

Naval Hospital, Millington, Tennessee, $410,000.

Naval Hospital, Oakland, California, $29,140,000.

Naval Hospital, Orlando, Florida, $1,760,000.

Naval Hospital, Portsmouth, Virginia, $410,000.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $3,820,000.

Naval Supply Center, Bremerton, Washington, $6,160,000.

Naval Supply Center, Charleston, South Carolina, $5,630,000.

Charleston Naval Shipyard, Charleston, South Carolina, $8,200,000.

Naval Weapons Station, Charleston, South Carolina, $1,630,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $9,700,000.

Naval Weapons Center, China Lake, California, $630,000.

Naval Surface Weapons Center, Dahlgren, Virginia, $4,980,000.

Navy Public Works Center, Great Lakes, Illinois, $1,850,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $20,815,000.

Naval Air Rework Facility, Jacksonville, Florida, $1,410,000.

Supervisor of Shipbuilding, Jacksonville, Florida, $1,270,000.

Naval Submarine Base, Kings Bay, Georgia, $209,960,000.

Portsmouth Naval Shipyard, Kittery, Maine, $11,800,000.

Long Beach Naval Shipyard, Long Beach, California, $3,010,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $16,270,000.

Naval Underwater Systems Center, Newport, Rhode Island, $24,840,000.

Naval Air Rework Facility, Norfolk, Virginia, $10,000,000.

Naval Supply Center, Norfolk, Virginia, $1,420,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $11,330,000.

Navy Public Works Center, Norfolk, Virginia, $4,050,000.

Naval Air Rework Facility, North Island, California, $560,000.

Naval Supply Center, Oakland, California, $9,510,000.

Naval Training Equipment Center, Orlando, Florida, $23,500,000.

Naval Air Test Center, Patuxent River, Maryland, $4,620,000.
Naval Supply Center, Pearl Harbor, Hawaii, $6,680,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $5,270,000.
Naval Air Rework Facility, Pensacola, Florida, $5,190,000.
Navy Public Works Center, Pensacola, Florida, $7,830,000.
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $16,490,000.
Pacific Missile Test Center, Point Mugu, California, $21,030,000.

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Fleet Combat Direction Systems Support Activity, San Diego, California, $11,250,000.
Naval Supply Center, San Diego, California, $4,150,000.
Navy Public Works Center, San Diego, California, $4,870,000.
Navy Public Works Center, San Francisco, California, $13,420,000.
Naval Electronic Systems Engineering Activity, St. Inigoes, Maryland, $2,110,000.
Naval Air Development Center, Warminster, Pennsylvania, $2,290,000.
Naval Weapons Station, Yorktown, Virginia, $1,140,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $1,570,000.
Naval Oceanographic Command, Bay St. Louis, Mississippi, $375,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $1,160,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $320,000.
Naval Security Group Activity, Northwest Chesapeake, Virginia, $2,500,000.
Naval Security Group Activity, Winter Harbor, Maine, $220,000.

Outside the United States

MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $6,820,000.
Marine Corps Base, Camp Butler, Okinawa, Japan, $2,330,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Guantanamo Bay, Cuba, $6,480,000.
Naval Station, Keflavik, Iceland, $33,560,000.
Naval Facility, Keflavik, Iceland, $2,620,000.
Naval Station, Panama Canal, Panama, $1,580,000.
Naval Station, Roosevelt Roads Puerto Rico, $2,550,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $600,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, $24,260,000.
Naval Support Facility, Diego Garcia, Indian Ocean, $5,930,000.
Naval Air Station, Guam, Mariana Islands, $300,000.
Naval Ship Repair Facility, Guam, Mariana Islands, $2,340,000.
Naval Air Facility, Misawa, Japan, $9,300,000.
Naval Station, Subic Bay, Republic of the Philippines, $6,520,000.
Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, $710,000.
Fleet Activities, Yokosuka, Japan, $990,000.

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COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Fleet Operations Control Center Europe, London, England, $2,620,000.

Naval Station, Rota, Spain, $25,020,000.

Naval Air Station, Sigonella, Italy, $11,820,000.

NAVAL MATERIAL COMMAND

Navy Public Works Center, Guam, Mariana Islands, $230,000.

NAVAL MEDICAL COMMAND

Naval Hospital, Rota, Spain, $18,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $3,210,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $300,000.

Naval Communication Station, Yokosuka, Japan, $980,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, $380,000.

Naval Security Group Activity, Edzell, Scotland, $340,000.

Naval Security Group Detachment, Guam, Mariana Islands, $320,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various locations, $2,790,000.

FAMILY HOUSING

SEC. 202. (a) The Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Adak, Alaska, four hundred and five units, $53,107,000.

Marine Corps Base, Camp Pendleton, California, seven hundred and sixty units, $41,004,000.

AEGIS Communications Systems Center, Wallops Island, Virginia, twenty-eight units, $2,400,000.

Naval Station, Guantanamo Bay, Cuba, one hundred and twenty-five units, $12,430,000.

(b) Of the housing units authorized by subsection (a) to be constructed at Guantanamo Bay, Cuba, twenty-five of such units shall be constructed from savings realized from the construction of other family housing units. The provisions of section 803 of the Military Construction Authorization Act, 1984 (Public Law 98-115), shall not apply to the construction of such units, but performance standards for the construction of such units shall be used that permit factory-built housing or manufactured housing to compete with conventional, onsite construction methods.

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IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 203. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $9,000,000.

(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve two hundred and sixty-eight existing military family housing units at the Naval Air Station, Whidbey Island, Washington, in the amount of $13,300,000.

DESIGN AND ENGINEERING FOR SANTA MARGARITA WATER PROJECT

SEC. 204. (a) Subject to subsection (b), during fiscal year 1985 the Secretary of the Navy may obligate not more than $1,500,000 from funds appropriated pursuant to the authorization in section 602(a)(4) for design and engineering for a project for water supply and flood control of the Santa Margarita River, California.

(b) Funds may not be obligated for the purpose described in subsection (a) unless legislation is enacted after the date of the enactment of this Act authorizing the Secretary of the Interior to carry out the Santa Margarita project, California, in accordance with the Federal reclamation laws and the plan set out in the report of the Secretary of the Interior on the project.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $45,733,000.
McClellan Air Force Base, California, $34,601,000.
Newark Air Force Station, Ohio, $840,000.
Robins Air Force Base, Georgia, $27,390,000.
Tinker Air Force Base, Oklahoma, $26,799,000.
Wright-Patterson Air Force Base, Ohio, $35,350,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $7,700,000.
Brooks Air Force Base, Texas, $4,450,000.
Cape Canaveral Air Force Station, Florida, $2,750,000.
Edwards Air Force Base, California, $15,800,000.
Eglin Air Force Base, Florida, $7,180,000.
Various locations, Florida, $6,300,000.
Goddard Space Flight Center, Maryland, $3,500,000.
Hanscom Air Force Base, Massachusetts, $5,200,000.
Patrick Air Force Base, Florida, $910,000.

Various locations, $1,200,000.

AIR NATIONAL GUARD

Base 10, classified location, $2,150,000.
Otis Air National Guard Base, Massachusetts, $810,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $10,150,000.
Columbus Air Force Base, Mississippi, $5,000,000.
Goodfellow Air Force Base, Texas, $15,200,000.
Keesler Air Force Base, Mississippi, $16,555,000.
Lackland Air Force Base, Texas, $9,290,000.
Laughlin Air Force Base, Texas, $6,900,000.
Lowry Air Force Base, Colorado, $1,320,000.
Mather Air Force Base, California, $9,300,000.
Randolph Air Force Base, Texas, $9,740,000.

Reese Air Force Base, Texas, $4,900,000.
Sheppard Air Force Base, Texas, $6,300,000.
Williams Air Force Base, Arizona, $2,500,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $9,500,000.
Maxwell Air Force Base, Alabama, $2,280,000.

ALASKAN AIR COMMAND

Burnt Mountain Air Force Station, Alaska, $1,400,000.
Eielson Air Force Base, Alaska, $24,450,000.
Elmendorf Air Force Base, Alaska, $11,313,000.
Galena Airport, Alaska, $11,800,000.

MILITARY AIRLIFT COMMAND

Charleston Air Force Base, South Carolina, $15,540,000.
Eglin Auxiliary Field 9, Florida, $7,830,000.
Kirtland Air Force Base, New Mexico, $1,500,000.
Little Rock Air Force Base, Arkansas, $1,590,000.
McChord Air Force Base, Washington, $3,065,000.
McGuire Air Force Base, New Jersey, $440,000.
Norton Air Force Base, California, $6,530,000.
Pope Air Force Base, North Carolina, $710,000.
Scott Air Force Base, Illinois, $19,400,000.
Travis Air Force Base, California, $204,720,000.

NATIONAL MILITARY COMMAND CENTER

Pentagon, Virginia, $4,750,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,800,000.

SPACE COMMAND

Falcon Air Force Station, Colorado, $3,000,000.
Peterson Air Force Base, Colorado, $25,000,000.

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SPECIAL PROJECT

Various locations, $53,700,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $25,995,000.
Beale Air Force Base, California, $2,240,000.
Blytheville Air Force Base, Arkansas, $1,500,000.
Carswell Air Force Base, Texas, $24,050,000.
Castle Air Force Base, California, $4,100,000.
Conrad Air Station, Montana, $4,260,000.
Dickinson Air Station, North Dakota, $3,710,000.
Dyess Air Force Base, Texas, $54,260,000.
Ellsworth Air Force Base, South Dakota, $55,840,000.
F. E. Warren Air Force Base, Wyoming, $49,220,000.
Fairchild Air Force Base, Washington, $16,400,000.
Grand Forks Air Force Base, North Dakota, $2,300,000.
Griffiss Air Force Base, New York, $4,150,000.
Grissom Air Force Base, Indiana, $6,820,000.
K. I. Sawyer Air Force Base, Michigan, $16,850,000.
Loring Air Force Base, Maine, $31,370,000.
Malmstrom Air Force Base, Montana, $1,500,000.
March Air Force Base, California, $9,150,000.

Minot Air Force Base, North Dakota, $33,800,000.
Offutt Air Force Base, Nebraska, $51,100,000.
Pease Air Force Base, New Hampshire, $5,950,000.
Plattsburgh Air Force Base, New York, $3,650,000.
Vandenberg Air Force Base, California, $33,910,000.
Whiteman Air Force Base, Missouri, $4.320,000.
Wurtsmith Air Force Base, Michigan, $2,925,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $9,800,000.
Cannon Air Force Base, New Mexico, $2,800,000.
Davis-Monthan Air Force Base, Arizona, $12,400,000.
England Air Force Base, Louisiana, $2,950,000.
George Air Force Base, California, $17,450,000.
Holloman Air Force Base, New Mexico, $11,610,000.
Homestead Air Force Base, Florida, $1,050,000.
Langley Air Force Base, Virginia, $28,530,000.
Luke Air Force Base, Arizona, $13,660,000.
MacDill Air Force Base, Florida, $4,610,000.
Moody Air Force Base, Georgia, $2,030,000.
Mountain Home Air Force Base, Idaho, $1,490,000.
Myrtle Beach Air Force Base, South Carolina, $2,795,000.
Nellis Air Force Base, Nevada, $5,090,000.
Seymour-Johnson Air Force Base, North Carolina, $20,490,000.
Shaw Air Force Base, South Carolina, $4,970,000.
Tyndall Air Force Base, Florida, $4,330,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $23,460,000.

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OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $4,550,000.
Sidi Slimane, Morocco, $2,050,000.
Rhein-Main Air Base, Germany, $2,940,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $19,750,000.
Misawa Air Base, Japan, $20,000,000.
Yokota Air Base, Japan, $1,000,000.
Kimhae Air Base, Korea, $253,000.
Kunsan Air Base, Korea, $11,600,000.
Kwang-Ju Air Base, Korea, $4,460,000.
Osan Air Base, Korea, $30,490,000.
Sachon Air Base, Korea, $1,100,000.
Suwon Air Base, Korea, $3,990,000.
Taegu Air Base, Korea, $4,950,000.
Diego Garcia Air Base, Indian Ocean, $16,100,000.
Clark Air Base, Republic of the Philippines, $42,125,000.
Base 11, classified location, $6,100,000.
Base 14, classified location, $1,700,000.
Wake Island Airfield, Wake Island, $1,235,000.

SPACE COMMAND

Thule Air Base, Greenland, $25,000,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $13,342,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, $360,000.
Oman, various locations, $26,900,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, $4,510,000.
Woensdrecht Air Base, The Netherlands, $2,650,000.
Alzey Radar Site, Germany, $3,150,000.
Bitburg Air Base, Germany, $4,350,000.
Classified location, Germany, $600,000.
Various locations, Germany, $14,600,000.
Ramstein Air Base, Germany, $8,650,000.
Spangdahlem Air Base, Germany, $420,000.
Wenigerath Air Base, Germany, $2,475,000.
Wiesbaden Air Base, Germany, $650,000.
Zweibrucken Air Base, Germany, $3,785,000.
Aviano Air Base, Italy, $1,600,000.
Comiso Air Station, Italy, $2,365,000.
Florennes, Belgium, $1,290,000.
San Vito Air Station, Italy, $2,250,000.
Torrejon Air Base, Spain, $9,750,000.
Zaragoza Air Base, Spain, $1,100,000.
98 STAT. 1508 Ankara Air Station, Turkey, $1,100,000.
Incirlik Air Base, Turkey, $2,600,000.
RAF Alconbury, United Kingdom, $5,395,000.
RAF Chicksands, United Kingdom, $3,550,000.
RAF Greenham Common, United Kingdom, $12,000,000.
RAF Lakenheath, United Kingdom, $2,100,000.
RAF Mildenhall, United Kingdom, $4,900,000.
RAF Upper Heyford, United Kingdom, $5,210,000.
RAF Welford, United Kingdom, $740,000.
RAF Woodbridge, United Kingdom, $2,050,000.
RAF Molesworth, United Kingdom, $15,004,000.
Base 13, classified location. $2,050,000.
Base 19, classified location, $2,850,000.
Classified locations, $2,100,000.
Various locations, Europe, $16,400,000.

FAMILY HOUSING

SEC. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort MacArthur, California, one hundred and forty units, $15,100,000.

Hanscom Air Force Base, Massachusetts, Trailer Park Expansion, $500,000.

Conrad Air Force Station, Montana, forty units, $3,705,000.

F. E. Warren Air Force Base, Wyoming, two hundred and sixty-five units, $17,343,000.

Comiso, Italy, five hundred and seventy-six units, $50,070,000.

Osan Air Base, Korea, Utilities Expansion, $2,700,000.

RAF Greenham Common, United Kingdom, two hundred and fifty units, $22,441,000.

RAF Alconbury, United Kingdom, three hundred units, $27,410,000.

RAF Bentwaters, United Kingdom, two hundred units, $20,163,000.

Classified location, Federal Republic of Germany, one hundred and eighty units, $17,386,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $62,173,000, of which $23,751,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bergstrom Air Force Base, Texas, one hundred and fifty-six units, $4,642,000.

Moody Air Force Base, Georgia, one hundred and six units, $2,772,000.

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Scott Air Force Base, Illinois, two hundred and fifty units, $8,820,000.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

Sec. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

Inside the United States

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $6,730,000.
Defense Fuel Support Point, Whittier, Alaska, $12,170,000.
Defense Property Disposal Office, Fairbanks, Alaska, $1,800,000.
Defense Property Disposal Office, Robins Air Force Base, Georgia, $2,500,000.
Defense Property Disposal Office, Pearl Harbor Naval Shipyard, Hawaii, $1,950,000.
Defense Fuel Support Point, Grand Forks, North Dakota, $475,000.
Defense Fuel Support Point, Cincinnati, Ohio, $2,600,000.
Defense Depot, Mechanicsburg, Pennsylvania, $18,000,000.
Defense Fuel Support Point, Mukilteo, Washington, $500,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $20,100,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $16,920,000.
Rosman, North Carolina, $500,000.
Classified location, $500,000.

OFFICE OF THE SECRETARY OF DEFENSE

Presidio of Monterey, California, $22,475,000.
White Sands Missile Range, New Mexico, $9,000,000.
Classified activity, Fort Belvoir, Virginia, $28,400,000.
Classified location, $5,900,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $220,000.

DEFENSE NUCLEAR AGENCY

Fort McClellan, Alabama, $1,000,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Maxwell Air Force Base, Alabama, $1,700,000.
Fort Benning, Georgia, $5,600,000.
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Fort Campbell, Kentucky, $7,500,000.
Fort Knox, Kentucky, $21,961,000.
United States Military Academy, West Point, New York, $3,650,000.
Fort Bragg, North Carolina, $5,600,000.
Fort Jackson, South Carolina, $7,372,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Pohang, Korea, $15,800,000.
Defense Fuel Support Point, Roosevelt Roads, Puerto Rico, $10,675,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified location, $12,900,000.

NATIONAL SECURITY AGENCY

Classified locations, $5,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Amberg, Germany, $1,610,000.
Bad Kreuznach, Germany, $3,170,000.
Bad Nauheim, Germany, $1,040,000.
Bindlach, Germany, $1,510,000.
Crailsheim, Germany, $1,430,000.
Frankfurt, Germany, $10,020,000.
Goeppingen, Germany, $1,790,000.
Hahn Air Base, Germany, $2,450,000.
Katterbach, Germany, $3,260,000.
Ludwigsburg, Germany, $1,830,000.
Mannheim, Germany, $3,260,000.
Neubrueke, Germany, $2,330,000.
Osterholz-Scharmbeck, Germany, $820,000.
Rhein-Main Air Base, Germany, $1,830,000.
Ulm, Germany, $2,560,000.
Wiesbaden, Germany, $720,000.
Wertheim, Germany, $1,800,000.
Worms, Germany, $1,930,000.
Wuerzberg, Germany, $2,297,000.
Naval Station, Keflavik, Iceland, $2,890,000.
Comiso, Italy, $11,290,000.
Camp Kinser, Japan, $5,410,000.
Camp McTureous, Japan, $5,220,000.
Zukeran, Japan, $2,250,000.
Seoul, Korea, $1,130,000.
Brunssum, Netherlands, $2,440,000.
Subic Bay, Republic of the Philippines, $2,950,000.
Clark Air Base, Republic of the Philippines, $4,970,000.
RAF Chicksands, United Kingdom, $810,000.
RAF Greenham Common, United Kingdom, $10,410,000.
RAF High Wycombe, United Kingdom, $5,270,000.
RAF Woodbridge, United Kingdom, $1,380,000.
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FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire six family housing units (including land acquisition) at classified locations in the total amount of $693,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $107,000.

DEFICIENCY AUTHORIZATION FOR EXISTING APPROPRIATIONS

SEC. 404. Section 604(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 779), is amended by striking out "$306,386,000", "$90,572,000", and "$143,070,000" and inserting in lieu thereof "$334,646,000", "$105,572,000", and "$156,330,000", respectively.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,140,884,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $1,076,307,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $428,820,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $33,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $170,000,000. 97 Stat. 785.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $166,003,000; and

(B) for support of military family housing, $1,266,754,000, of which not more than $129,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $107,378,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

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(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts (1) for military construction projects authorized in section 101 in the amount of $198,800,000, and (2) for military family housing projects authorized in section 102 in the amount of $20,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 101 may not exceed the sum of the total amount authorized to be *Post*, p. 1521.

appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,288,803,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $1,223,017,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $173,300,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000.

97 Stat. 785. (4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $150,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $4,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $126,500,000; and

(B) for support of military family housing, $592,986,000, of which not more than $28,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $20,052,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 201 in the amount of $80,000,000.

Post, p. 1521. (c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section

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201 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,791,063,000 as follows:

(1) For projects authorized by section 301 that are to be carried out inside the United States, $1,241,351,000.

(2) For projects authorized by section 301 that are to be carried out outside the United States, $347,239,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,000,000.

97 Stat. 785. (4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $21,750,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $244,991,000; and

(B) for support of military family housing, $760,732,000, of which not more than $53,339,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 301 in the amount of $150,670,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 301 may not exceed the sum of the total amount authorized to be appropriated under subsections (1) and (2) of subsection (a) and the amount specified in subsection (b). *Post*, p. 1521.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

Sec. 604. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $357,075,000 as follows:

(1) For projects authorized by section 401 that are to be carried out inside the United States, $171,823,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $127,452,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $3,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,000,000. 97 Stat. 785.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $800,000; and

(B) for support of military family housing, $19,000,000, of which not more than $15,773,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401 in the amount of $52,500,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed the sum of the total amount authorized to be appropriated under subsections (1) and (2) of subsection (a) and the amount specified in subsection (b). *Post*, p. 1521.

AUTHORIZATION OF APPROPRIATIONS, NATO

Sec. 605. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for contributions by the Secretary of Defense under section 2806 of title 10, United States

Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 501, $131,700,000.

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 606. (a) Amounts authorized under sections 601 through 604 for construction and acquisition of military family housing and facilities include amounts for minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design.

(b) Amounts authorized under sections 601 through 604 for support of military family housing include amounts for operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, and payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 607. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects, and contributions to the NATO Infrastructure program (and authorizations of appropriations therefor contained in sections 601 through 605) shall expire on October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later. 98 STAT. 1515

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to the NATO Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later, for construction contracts, land acquisition, family housing projects, or contributions to the NATO Infrastructure program.

(b) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1567), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1985, or the date of enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later:

(1) Consolidated heating facility in the amount of $1,300,000 at Giessen, Germany.

(2) Barracks in the amount of $9,300,000 at Vilseck, Germany.

(3) Battalion headquarters and classroom in the amount of $3,000,000 at Vilseck, Germany.

(4) Dining facility in the amount of $3,600,000 at Vilseck, Germany.

(5) Barracks in the amount of $10,600,000 at Vilseck, Germany.

(6) Standby generator plant in the amount of $4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(7) Rapid Deployment Force facilities in the amount of $55,000,000 at Ras Banas, Egypt.

(8) Ammunition Wharf in the amount of $24,000,000 at the Naval Magazine, Guam, Mariana Islands.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 608. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1984, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1986 or October 1, 1985, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

98 STAT. 1516

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 30,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 609. Titles I, II, III, IV, and V of this Act (other than section 104) take effect on October 1, 1984.

SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1984

SEC. 610. (a) In addition to the military construction projects authorized by section 201 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 762), the Secretary of the Navy may carry out a military construction project outside the United States at the Naval Station, Keflavik, Iceland, in the amount of $30,000,000.

(b) The project authorized in subsection (a) is subject to the authorizations and limitations applicable to projects authorized in the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 757), in the same manner as if such project had been authorized in that Act. The limit prescribed by section 602(b) of that Act on the total cost of all projects carried out under section 201 of that Act is hereby increased by the additional amount authorized to be appropriated by subsection (c).

97 Stat. 778.
97 Stat. 762.

(c) There is hereby authorized to be appropriated for fiscal year 1984 for the Department of the Navy for the military construction project authorized by subsection (a), in addition to the amounts authorized to be appropriated by section 602(a)(2) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 778), the amount of $30,000,000.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1984, for the costs of acquisition,

10 USC 2231 *et seq.*

architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States $101,683,000, and

(B) for the Army Reserve, $71,700,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $62,000,000.

98 STAT. 1517

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States $121,200,000, and

(B) for the Air Force Reserve, $67,800,000.

MODIFICATION OF GUARD AND RESERVE MINOR CONSTRUCTION AUTHORITY

Effective date.

SEC. 702. Effective on October 1, 1984, section 2233a(b) of title 10, United States Code, is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

FEDERAL CONTRIBUTION FOR CONSTRUCTION TO UPGRADE CRITICAL PORTIONS OF ARMORIES

SEC. 703. (a) Section 2233(a)(6) of title 10, United States Code, is amended—

(1) by striking out "arms storage rooms" and inserting in lieu thereof "critical portions of facilities"; and

(2) by striking out "standards related to the safekeeping of arms" and inserting in lieu thereof "construction criteria or standards related to the execution of the Federal military mission assigned to the unit using the facility".

Effective date.
10 USC 2233 note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1984.

RESTRICTION ON USE OF LANDS AT CAMP SHELBY, HATTIESBURG, MISSISSIPPI

SEC. 704. (a) Except as provided in subsection (b), the land comprising Camp Shelby, Hattiesburg, Mississippi (including any land acquired by the Secretary of the Army on or after the date of the enactment of this Act and made a part of Camp Shelby) may not be used for any purpose other than the military training of members of the Armed Forces to enhance the ability of such members to perform successfully mission assignments in a conventional warfare environment.

(b) Subject to such regulations as the Adjutant General of the State of Mississippi may prescribe, the lands referred to in subsection (a) may be used for hunting, agricultural, or forestry purposes or for any other civil purpose for which such lands were permitted to be used on or before the date of the enactment of this Act.

TITLE VIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM REVISIONS

LIABILITY OF OCCUPANTS OF MILITARY HOUSING

SEC. 801. (a)(1) Section 2775 of title 10, United States Code, is amended to read as follows:

"§ 2775. Liability of members for damage to housing and related equipment and furnishings

"(a) A member of the armed forces shall be liable to the United States for damage to any family housing unit or unaccompanied personnel housing unit, or damage to or loss of any equipment or furnishings of any family housing unit or unaccompanied personnel 98 STAT. 1518 housing unit, assigned to or provided such member if it is determined, under regulations prescribed by the Secretary of Defense, that the damage or loss was caused by the abuse or negligence of the member (or a dependent of the member) or of a guest of the member (or a dependent of the member).

"(b) The Secretary of Defense may establish limitations on liability under this section, including different limitations based upon the degree of abuse or negligence involved, and may compromise or waive a claim of the United States under this section.

"(c)(1) The Secretary concerned may deduct from a member's pay an amount sufficient to pay for the cost of any repair or replacement made necessary as the result of any abuse or negligence referred to in subsection (a) for which the member is liable. Regulations implementing this section may also provide for the collection of amounts owed under this section by any other authorized means.

"(2) The final determination of an amount to be deducted from the pay of an officer of an armed force in accordance with regulations prescribed under this section shall be deemed to be a special order authorizing such deduction for the purposes of section 1007 of title 37.

"(d) Amounts received under this section shall be credited to the family housing operations and maintenance account, in the case of damage to a family housing unit (or the equipment or furnishings of a family housing unit), or to the operations and maintenance account, in the case of damage to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit), of the military department or defense agency concerned. Amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in those accounts.

Regulations.

"(e) The Secretary of Defense shall prescribe regulations to carry out the provisions of this section, including (1) regulations for determining the cost of repairs and replacements made necessary as the result of abuse or negligence referred to in subsection (a), and (2) regulations providing for limitations of liability, the compromise or waiver of claims, and the collection of amounts owed under this section.".

(2) The item relating to section 2775 in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

"2775. Liability of members for damage to housing and related equipment and furnishings.".

Effective date.
10 USC 2775 note.
Ante, p. 1517.

(b)(1) Regulations shall be prescribed under subsection (e) of section 2775 of title 10, United States Code, as amended by subsection (a), not later than 180 days after the date of the enactment of this Act. That section shall apply with respect to the liability of a member under such section for damage or loss to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit) or for damage or loss caused by a guest of the member or of a dependent of the member to a family housing unit (or the equipment or furnishings of a family housing unit) only in the case of damage or loss caused on or after the date that such regulations take effect.

(2) The authority of the Secretary of Defense under subsection (b) of such section is applicable to any claim of the United States under such section, whether such claim arose before, on, or after the date of the enactment of this Act. 98 STAT. 1519

COST VARIATIONS FOR ACQUISITION OF REAL PROPERTY BY CONDEMNATION

SEC. 802. Section 2676 of title 10, United States Code, is amended—

(1) by inserting "or, in the case of land to be acquired by

condemnation, the amount to be deposited with the court as just compensation for the land" in subsection (c)(2) after "upon the agreed price for the land";

(2) by inserting "or, in the case of land to be acquired by condemnation, the amount to be deposited with the court as just compensation for the land," in subsection (c)(2)(B) after "the agreed price for the land,"; and

(3) by adding at the end thereof the following new subsection:

"(e) The Secretary concerned shall promptly pay any deficiency judgment against the United States awarded by a court in an action for condemnation of any interest in land or resulting from a final settlement of an action for condemnation of any interest in land. Payments under this subsection may be made from funds available to the Secretary concerned for military construction projects and without regard to the limitations of subsections (c) and (d).".

MAXIMUM AMOUNT FOR ACQUISITION OF OPTIONS ON REAL PROPERTY

SEC. 803. Section 2677(b) of title 10, United States Code, is amended by striking out "5 percent" and inserting in lieu thereof "12 percent".

AUTHORITY TO RESTORE LAND OF OTHER AGENCIES USED TEMPORARILY BY DEPARTMENT OF DEFENSE

SEC. 804. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2691.

"§ 2691. Restoration of land used of permit or lease from other agencies

"(a) The Secretary of the military department concerned may remove improvements and take any other action necessary in the judgment of the Secretary to restore land used by that military department by permit or lease from another military department or Federal agency if the restoration is required by the permit or lease making that land available to the military department. The Secretary concerned may carry out this section using funds available for operations and maintenance or for military construction.

"(b) Unless otherwise prohibited by law or the terms of the permit or lease, before restoration of any land under subsection (a) is begun, the Secretary concerned shall determine, under the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), whether another military department or Federal agency has a use for the land in its existing, improved state. During the period required to make such a determination, the Secretary may provide for maintenance and repair of improvements on the land to the standards established for excess property by the Administrator of General Services.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

98 STAT. 1520

"2691. Restoration of land used by permit or lease from other agencies.".

STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS

SEC. 805. (a) Chapter 159 of title 10, United States Code, is amended by adding after section 2691 (as added by section 804) the following new section:

10 USC 2692.

"§ 2692. Storage and disposal of nondefense toxic and hazardous materials

"(a)(1) Except as otherwise provided in this section, the Secretary of Defense may not permit the use of an installation of the Department of Defense for the storage or disposal of any material that is a toxic or hazardous material and that is not owned by the Department of Defense.

"(2) The Secretary of Defense shall define by regulation what materials are hazardous or toxic materials for the purposes of this section, including specification of the quantity of a material that serves to make it hazardous or toxic for the purposes of this section. The definition shall include materials referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) and materials designated under section 102 of that Act (42 U.S.C. 9602) and shall include materials that are of an explosive, flammable, or pyrotechnic nature. Regulations.

"(b) Subsection (a) does not apply to—

"(1) the storage of strategic and critical materials in the National Defense Stockpile under an agreement for such storage with the Administrator of General Services;

"(2) the temporary storage or disposal of explosives in order to protect the public or to assist agencies responsible for Federal law enforcement in storing or disposing of explosives when no alternative solution is available, if such storage or disposal is made in accordance with an agreement between the Secretary of Defense and the head of the Federal agency concerned;

"(3) the temporary storage or disposal of explosives in order to provide emergency lifesaving assistance to civil authorities;

"(4) the disposal of excess explosives produced under a Department of Defense contract, if the head of the military department concerned determines, in each case, that an alternative feasible means of disposal is not available to the contractor, taking into consideration public safety, available resources of the contractor, and national defense production requirements;

"(5) the temporary storage of nuclear materials or nonnuclear classified materials in accordance with an agreement with the Secretary of Energy;

"(6) the storage of materials that constitute military resources intended to be used during peacetime civil emergencies in accordance with applicable Department of Defense regulations; and

"(7) the temporary storage of materials of other Federal agencies in order to provide assistance and refuge for commercial carriers of such material during a transportation emergency.

"(c) The Secretary of Defense may grant exceptions to subsection (a) when essential to protect the health and safety of the public from imminent danger if the Secretary otherwise determines the exception is essential and if the storage or disposal authorized does not compete with private enterprise.

98 STAT. 1521

"(d)(1) The Secretary may assess a charge for any storage or disposal provided under this section. Any such charge shall be on a reimbursable cost basis.

"(2) In the case of storage under this section authorized because of an imminent danger, the storage provided shall be temporary and shall cease once the imminent danger no longer exists. In all other cases of storage or disposal authorized under this section, the storage or disposal authorized shall be terminated as determined by the Secretary.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2691 (as added by section 804) the following new item:

"2692. Storage and disposal of nondefense toxic and hazardous materials.".

LEASING AND RENTAL GUARANTEE PROGRAM EXTENSION

SEC. 806. (a) Section 2828(g) of title 10, United States Code, is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph (8): 97 Stat. 782.

"(8) In addition to the contracts authorized by paragraph (7), the Secretary of the Army may enter into one contract under this subsection for not more than 600 family housing units at one location if the contract is necessary in order to provide sufficient family housing to accommodate a major restationing action by the Army. The Secretary of the Army may not enter into a contract under this paragraph and an agreement under section 802(g) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 783).".

Infra.
10 USC 2821 note.

(b) Section 802 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 783), is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection (g):

"(g) In addition to the agreements authorized by subsection (f), the Secretary of the Army may enter into one agreement under this section for not more than 600 family housing units at one location if the agreement is necessary in order to provide sufficient family housing to accommodate a major restationing action by the Army. The Secretary of the Army may not enter into an agreement under this subsection and a contract under section 2828(g)(8) of title 10, United States Code.".

Supra.
Effective date.
10 USC 2828 note.

(c) The amendments made by this section shall take effect on October 1, 1984.

AUTHORIZED COST VARIATIONS

Sec. 807. Section 2853(e) of title 10, United States Code, is amended by inserting "is more than the amount specified by law as the maximum amount for a minor military construction project and" after "under the contract" in the second sentence.

CONTRACTS FOR ARCHITECT AND ENGINEER SERVICES

Sec. 808. (a) Section 2855 of title 10, United States Code, is amended—

98 STAT. 1522

(1) by inserting "(a)" before "Contracts" at the beginning of such section; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) In the case of a contract referred to in subsection (a)—

"(A) if the Secretary concerned estimates that the initial award of the contract will be in an amount greater than or equal to the threshold amount determined under paragraph (2), the contract may not be set aside exclusively for award to small business concerns; and

"(B) if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).

"(2) The initial threshold amount under paragraph (1) is $85,000. The Secretary of Defense may revise that amount in order to ensure that small business concerns receive a reasonable share of contracts referred to in subsection (a).

"(3) This subsection does not restrict the award of contracts to small business concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).".

Effective date.
10 USC 2855 note.

(b) Subsection (b) of section 2855 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded after September 30, 1984, except that the authority of the Secretary of Defense under paragraph (2) of that subsection shall apply only with respect to contracts awarded after September 30, 1985.

ADMINISTRATION OF FOREST PRODUCTS PROGRAM

Sec. 809. (a) Section 2665 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "logs wholly or partly

manufactured by, or otherwise procured for, the Army, Navy, or Air Force, or" and inserting in lieu thereof "forest products produced on land owned or leased by a military department or the";

(2) in subsection (d), by striking out "lumber and timber products" and inserting in lieu thereof "forest products";

(3) in subsection (e)(1)—

(A) by striking out "timber and timber products" each place it appears and inserting in lieu thereof "forest products"; and

(B) by striking out "25 percent" and inserting in lieu thereof "40 percent"; and

(4) by adding at the end thereof the following new subsection:

"(f)(1) There is in the Treasury a reserve account administered by the Secretary of Defense for the purposes of this section. Balances in the account may be used for expenses of the military departments—

"(A) for improvements of forest lands;

"(B) for unanticipated contingencies in the administration of forest lands and the production of forest products for which other sources of funds are not available in a timely manner; and

"(C) for expenses to enable operations of forest lands and the production of forest products to continue from the end of one fiscal year through the beginning of the next fiscal year without disruption.

"(2) Subject to paragraph (3), there shall be deposited into the reserve account not later than December 31 of each year, for credit 98 STAT. 1523 to the preceding fiscal year, an amount equal to one-half of the amount (if any) remaining of the total amount received by the United States during that fiscal year as proceeds from the sale of forest products after (A) the reimbursement of appropriations of the Department of Defense under subsection (d) for expenses of production of forest products during that fiscal year, and (B) the payment to States under subsection (e) for that fiscal year.

"(3) The balance in the reserve account may not exceed $4,000,000. If a deposit under paragraph (2) would cause the balance in the account to exceed that amount, the deposit shall be made only to the extent the amount of the deposit would not cause the balance in the account to exceed $4,000,000.".

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on October 1, 1984. Effective date. 10 USC 2665 note.

(2) The amendment made by subsection (a)(2)(B) shall apply with respect to payments to States for fiscal years beginning after September 30, 1984.

SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES

SEC. 810. (a) Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2483. Sale of electricity from alternate energy and cogeneration production facilities 10 USC 2483.

"(a) The Secretary of a military department may sell, contract to sell, or authorize the sale by a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy shall be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

"(b) Proceeds from sales under subsection (a) shall be credited to the appropriation account currently available to the military

department concerned for the supply of electrical energy.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2483. Sale of electricity from alternate energy and cogeneration production facilities.".

INSTALLATION OF TELEPHONE WIRING

SEC. 811. (a) Section 1348 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

Regulations.

"(d) Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes, in other private residences.".

Effective dates. 31 USC 1348 note.

(b) The amendment made by subsection (a) shall be effective as of January 1, 1984. Funds appropriated to the Department of Defense may be used to reimburse persons for expenditures made after December 31, 1983, for the installation, repair, and maintenance of 98 STAT. 1524 telephone wiring in any Government-owned or leased housing unit before the date of the enactment of this Act.

FAMILY HOUSING CONSTRUCTED OVERSEAS

10 USC 2821 note.

SEC. 812. Section 803(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 784) is amended—

(1) by inserting "(1)" after "shall require", and

(2) by striking out the period at the end and inserting in lieu thereof a comma and the following: "or (2) in the case of concrete housing, the use of housing (A) that is produced in a plant that was fabricated in the United States by a United States company, and (B) for which the materials, fixtures, and equipment used in the construction of such housing (other than cement, sand, and aggregates) are manufactured in the United States.".

PART B—MISCELLANEOUS PROVISIONS

TEST OF INNOVATIVE CONSTRUCTION CONTRACTING METHODS

SEC. 821. The Secretary of the Air Force, with the approval of the Secretary of Defense, may enter into construction contracts for military construction projects using either turnkey competitive negotiation methods or construction management techniques at one installation of the Secretary's choice. Contracts for architectural and engineering services and for construction awarded under this section shall be subject to section 2855 of title 10, United States Code.

Ante, p. 1521.

REPEAL OF LIMITS ON PROJECTS IN SUPPORT OF THE MASTER RESTATIONING PLAN

SEC. 822. Section 107 of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1552), is repealed.

STUDY OF SECTION 6 SCHOOLS

20 USC 241.

SEC. 823. The Comptroller General of the United States shall conduct a study to determine the most suitable means to pay for the construction and operation of Department of Defense dependent schools established under section 6 of Public Law 874 of the Eighty-first Congress. The study shall consider the effect that transferring responsibility for funding and operating those schools from the Department of Defense to local school districts would have on funding for the impact aid program of the Department of Education and the effect that such transfer would have on local school districts. Not later than May 1, 1984, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study. Report.

TECHNICAL AMENDMENT

SEC. 824. Section 807(b) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 788), is amended by striking out "section 2809" and inserting in lieu thereof "section 2667a". The amendment made by this section shall apply as if included in the enactment of the Military Construction Authorization Act, 1984. 97 Stat. 786, 789.

98 STAT. 1525

PART C—REAL PROPERTY TRANSACTIONS

LAND EXCHANGE, FALCON AIR FORCE STATION, COLORADO

SEC. 831. (a)(1) The Secretary of the Air Force is authorized to acquire from the State of Colorado easements restricting the use of, and giving the United States rights-of-way over, certain parcels of land owned by the State of Colorado adjacent to the Consolidated Space Operations Center, Falcon Air Force Station, Colorado.

"(2) As consideration for the interests in land acquired under paragraph (1), the United States shall convey to the State of Colorado Board of Land Commissioners all right, title, and interest of the United States in and to suitable Federal lands in Colorado.

(b) The Secretary shall adjust the amount of land conveyed and the nature of the interests acquired under subsection (a) so that the fair market value (as determined by the Secretary) of the interests in land acquired under subsection (a)(1) is not less than the fair market value (as determined by the Secretary) of the land conveyed under subsection (a)(2).

(c) The transaction authorized by subsection (a) may not be carried out until the Secretary has reported to the Committees on Armed Services of the Senate and House of Representatives on the details of the transaction, including specification of the lands to be conveyed by the United States under subsection (a)(2), and a period of 21 days has passed from the date of the receipt of the report by those committees. Report.

(d) The exact acreages of the lands to be acquired and conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the United States.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

REPLACEMENT OF WAREHOUSE FACILITIES, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA

SEC. 832. In consideration for granting continued use through December 31, 2006, of approximately 84 acres of land and 164,000 square feet of warehouse space at the Marine Corps Base, Camp Pendleton, California, to the Southern California Edison Company in support of the San Onofre Nuclear Generating Station, the Secretary of the Navy is authorized to accept—

(1) replacement warehouse facilities, satisfactory to the Secretary, to be constructed at no cost to the United States on the Marine Corps Base, Camp Pendleton; and

(2) payment of the fair market rental value, as determined by the Secretary, for use of the 84 acres of land.

DISPOSITION OF SUBSTANDARD HOUSING AT CAMP PENDLETON, CALIFORNIA; CONSTRUCTION OF EQUIVALENT VALUE OF NEW FAMILY HOUSING

SEC. 833. (a) The Secretary of the Navy is authorized to convey all

98 STAT. 1526

right, title, and interest of the United States in and to the parcel of land, consisting of 56 acres, more or less (together with the improvements thereon), in Oceanside California owned by the United States and under the jurisdiction of the Secretary known as the Sterling Homes Project. The conveyance shall be for cash or under an exchange as described in subsection (c)(2). If the conveyance is for cash, the sale of the property shall be conducted in accordance with competitive bidding procedures.

(b)(1) The Secretary is authorized to construct family housing units at Camp Pendleton, California, in addition to the family housing authorized for Camp Pendleton by section 202.

(2) The number of housing units authorized to be constructed under this subsection is the number of units that may be constructed by the contractor within—

(A) the amount received as proceeds from the conveyance under subsection (a), if the property referred to in that subsection is sold for cash; or

(B) an amount equal to the fair market value, as determined by the Secretary, of the property conveyed under that subsection, if the property is conveyed under an exchange described in subsection (c)(2).

(c) If the conveyance under subsection (a) is for cash, the Secretary shall retain the proceeds of the sale and shall use the proceeds for the construction authorized by subsection (b). In such case, the Secretary may not enter into a contract for that construction in an amount in excess of the amount received as proceeds from the sale or in advance of the receipt of such proceeds.

(2) In lieu of a sale for cash under subsection (a), the Secretary may exchange the property referred to in that subsection for the construction of the housing units authorized by subsection (b).

(d) The exact acreage and legal description of the property to be conveyed by the Secretary under this section shall be in accordance with surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the buyer.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance and construction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, LOMPOC, CALIFORNIA

SEC. 834. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the city of Lompoc, California (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the real property described in subsection (c).

(b)(1) The conveyance authorized by subsection (a) shall be subject to the condition that the real property conveyed shall be used by the City—

(A) for the Lompoc, California, Western Spaceport Museum and Science Center as a permanent site for a space science museum;

(B) for educational and recreational purposes related to the purpose described in subparagraph (A); or

(C) for the purposes described in subparagraphs (A) and (B).

(2) If the property conveyed pursuant to subsection (a) is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States, which shall have the right of immediate entry thereon.

98 STAT. 1527

(3) The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(c) The real property referred to in subsection (a) is a tract of land containing 148.84 acres, more or less, located within the City and bounded on the north by Santa Barbara County Highway S-20, on the east by California State Highway Numbered 1, and on the south and west by property controlled by the Department of the Army.

(d) The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City.

LAND CONVEYANCE, RIVERSIDE COUNTY, CALIFORNIA

SEC. 835. (a) Subject to subsection (b), the Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Village West Foundation, Incorporated (hereinafter in this section referred to as the "Foundation"), of San Bernardino, California, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) In consideration for the conveyance by the Secretary under subsection (a), the Foundation shall pay to the United States an amount of money equal to the fair market value (as determined by the Secretary) of the land authorized to be conveyed under subsection (b).

(c) The land referred to in subsection (a) is a portion of March Air Force Base, California, composed of one parcel containing approximately 150 acres. The tract of land is on west March Air Force Base bounded on the east by Clark Street, on the west by Allen Street, on the south by 5th Street, and the north is an extension of 11th Street between Allen and Clark Streets.

(d) A conveyance by the Secretary under subsection (a) shall provide that—

(1) if the land conveyed is not used as a permanent location for facilities of the Foundation before the end of the 10-year period beginning on the date on which the land is conveyed—

(A) title to the land shall revert to the United States; and

(B) upon such reversion, the Secretary shall pay to the Foundation, from amounts available for that purpose, an amount equal to 50 percent of the fair market value of the land reverting to the United States, determined as of the date on which the land was conveyed to the Foundation by the Secretary;

(2) if all or any portion of the land conveyed ceases to be used for Foundation purposes during the 40-year period beginning on the date on which the 10-year period stated in paragraph (1) ends, title to all of such land which has ceased to be used for Foundation purposes shall revert to the United States;

(3) during the 50-year period beginning on the date of the conveyance, a construction project may be begun on such land only after the plans for such construction are approved by the Secretary; and

(4) during the 50-year period beginning on the date of the conveyance, the Foundation may not sell, lease, or otherwise dispose of the land conveyed.

98 STAT. 1528

(e) Notwithstanding section 2733 of title 10, United States Code, sections 1346 and 2672 of title 28, United States Code, and section 715 of title 32, United States Code, or any other provision of law enacted before, on, or after the date of the enactment of this Act (except a law that specifically refers to the Foundation or to this section), the United States shall not be liable to the Foundation for any damage to, or diminution in value of, any land conveyed under this section (or any improvement on such land) if such damage or diminution in value is caused by an activity of the United States at March Air Force Base, California.

(f) The transaction authorized by this section shall be made subject to such additional terms and conditions as the Secretary

considers appropriate to carry out the provisions of this section and to protect the interests of the United States.

(g) The exact acreage and legal description of any land conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the Foundation.

RELEASE OF LEASEHOLD INTEREST, SAN DIEGO UNIFIED PORT DISTRICT, CALIFORNIA

SEC. 836. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the San Diego Unified Port District, California (hereinafter in this section referred to as the "Port") all right, title, and interest of the United States in and to Lease NOy(R)-44755 entered into by the United States with the Port, comprising approximately 3.35 acres of land with Navy-owned improvements known as the San Diego Branch, Western Division, Naval Facilities Engineering Command. Such conveyance may not be made until a replacement facility for the San Diego Branch is available in accordance with subsection (b).

(b) In consideration for the conveyance authorized by subsection (a), the Port shall—

(1) construct, at no expense to the United States, a suitable replacement facility for the San Diego Branch at a suitable Navy-owned site, as determined by the Secretary;

(2) pay to the Secretary the cost of removing any existing improvements on the replacement site;

(3) pay to the Secretary the cost of relocating the San Diego Branch and its tenants; and

(4) convey to the United States unencumbered title to the replacement facility.

(c) The Secretary is authorized to receive, obligate, and disburse any funds received under subsection (b) (2) and (3) to facilitate the relocation.

(d) If the fair market value of the interest conveyed under subsection (a) exceeds the sum of the fair market value of the replacement facility and the amounts paid under subsection (b), as determined by the Secretary, the Port shall pay the difference to the United States.

(e) The Secretary may require such additional terms and conditions as the Secretary considers necessary or appropriate to protect the interest of the United States.

98 STAT. 1529

LAND EXCHANGE, SAN DIEGO, CALIFORNIA

SEC. 837. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized (1) to convey to the City of San Diego (hereinafter in this section referred to as the "City") all right, title, and interest of the United States in and to approximately 120 acres of land lying southerly of proposed highway S-52 and east of Second San Diego Aqueduct, and (2) to convey to the City or the San Diego Energy Recovery Project, a joint powers agency of the City and County of San Diego (hereinafter in this section referred to as "SANDER"), approximately 45 acres of land lying easterly of Convoy Street and southerly of proposed highway S-52 and comprising a portion of the Naval Air Station, Miramar, San Diego, California.

(b) In consideration for the conveyances authorized by subsection (a), the City shall convey to the United States appropriate interests (as determined by the Secretary) in and to approximately 280 acres of land abutting the boundaries of the Naval Air Station, Miramar, of which approximately 120 acres are adjacent to and easterly of highway I-805 in the vicinity of Miramar Road and 160 acres are adjacent to and northerly of proposed highway S-52, east of Second San Diego Aqueduct.

(c) If the fair market value of the land conveyed by the Secretary under subsection (a) exceeds the fair market value of the lands conveyed by the City under subsection (b), the Secretary may accept such other lands as the Secretary has been previously authorized to acquire by exchange in partial or full consideration for the remaining value. The total value of the consideration to the United States shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary. The City or SANDER or the City and SANDER shall pay any difference to the United States.

(d) The exact acreages and legal descriptions of any real property to be conveyed or acquired under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the City or SANDER or by the City and SANDER.

(e) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, TUSTIN, CALIFORNIA

SEC. 838. (a)(1) Subject to subsections (b) and (c), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Irvine Company, a Michigan corporation, or to either or both of the cities of Tustin and Irvine, municipal corporations of the State of California, the interest of the United States described in paragraph (2) in a tract of approximately 15 acres of land located on the Marine Corps Air Station (Helicopter), Tustin, California (hereinafter in this section referred to as the "Air Facility"), for the development and extension of a public thoroughfare through the Air Facility from Barranca Parkway on the south of the Air Facility to Irvine Center Drive on the north of the Air Facility.

(2) The interest of the United States that may be conveyed under this subsection is (A) a public right-of-way easement in perpetuity over, across, and under the land described in paragraph (1) for roadway purposes, installation and maintenance of such underground utilities as are customarily located in rights-of-way, and related purposes, or (B) all right, title, and interest of the United States in such land. 98 STAT. 1530

(b) The conveyance authorized by subsection (a) may not be made unless—

(1) the Irvine Company conveys to the United States, for a term not to exceed the period of the use of the Air Facility as an active military air station—

(A) interests or rights acceptable to the Secretary within or over certain land commonly known as the "Browning Corridor" and certain other undeveloped land traversed by military aircraft and used by the Air Facility as its Ground Control Approach; or

(B) if the Irvine Company and the Secretary are unable to agree to interests or rights acceptable to the Secretary with respect to the land described in clause (A) that are at least equivalent in value (as determined by the Secretary) to the value of the interest of the United States to be conveyed under subsection (a)—

(i) interests or rights acceptable to the Secretary in a tract of approximately 39 acres of land (or a portion thereof that is acceptable to the Secretary) in the vicinity of the northwest portion of the intersection of Barranca Parkway and Peters Canyon Wash; or

(ii) a combination of interests or rights acceptable to the Secretary within or over the land described in clause (A) and in the land described in subclause (i); and

(2) the Irvine Company or the cities of Tustin and Irvine pay to the United States all costs of the United States related to replacing, in a manner satisfactory to the Secretary, the helicopter heavy-lift training facility displaced by reason of the conveyance under subsection (a) and any other improvement displaced by reason of that conveyance.

(c) The value of the interests or rights in real property conveyed to the United States under subsection (b)(1) must be at least equivalent in value (as determined by the Secretary) to the value of the interest of the United States to be conveyed under subsection (a).

(d) If the conveyance under subsection (b)(1) is to include a conveyance to the United States of interests or rights described in subsection (b)(1)(A), then before the conveyance authorized by subsection (a) is made, the Secretary and the cities of Tustin and Irvine shall enter into written agreements, satisfactory to the Secretary, under which the cities—

(1) agree that in exercising land use planning and zoning authority, the cities shall consider limiting the extent and location of residential development of the lands commonly known as the "Browning Corridor" as appropriate to air operations in that corridor; and

(2) provide a process for the United States to participate in the initial and continued planning of land uses within the Browning Corridor.

(e) The exact acreages and legal descriptions of the interests in land to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary. The Irvine Company or the cities of Tustin and Irvine shall pay all survey and title evidence costs involved in those conveyances. 98 STAT. 1531

(f) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, ANNAPOLIS, MARYLAND

SEC. 839. (a) Subject to subsections (b) and (d), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Naval Academy Athletic Association, a nonprofit organization located in the State of Maryland (hereinafter in this section referred to as the "Association"), all right, title, and interest of the United States in and to approximately 4.3 acres of unimproved land comprising a portion of the United States Naval Academy, Annapolis, Maryland.

(b) In consideration for the conveyance under subsection (a), the Association shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The unimproved land to be conveyed under subsection (a) is land that was conveyed by the Association to the United States in 1965. The exact acreage and legal description of the land to be conveyed shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Association.

(d) Before making the conveyance under subsection (a), the Secretary shall enter into an agreement with the Association which provides that the Association, after such conveyance, will expeditiously develop the property conveyed and will use the property for purposes consistent with and in support of activities of the United States Naval Academy. The terms of the conveyance under subsection (a) shall require that if the Association fails to comply with the terms of such agreement, all right, title, and interest of the Association in and to the land conveyed (including the improvements on the land) shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(e) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

FISH HATCHERY, FORT LEWIS, WASHINGTON

SEC. 840. (a)(1) The Secretary of the Army shall issue a permit to the Secretary of the Interior for use of the land described in paragraph (2) as a site for a fish hatchery or shall otherwise make such land available for such use by an entity designated by the Secretary of the Army (with the concurrence of the Secretary of the Interior).

(2) The land referred to in paragraph (1) is a portion of Fort Lewis, Washington, adjacent to Clear Creek, Washington, consisting of 135 acres, more or less, that was identified as suitable as a site for a fish hatchery in a feasibility report concerning the location of a fish hatchery at Fort Lewis issued in May 1982 under contract number 14-16-0001-81086 of the Fish and Wildlife Service of the Department of the Interior, dated July 20, 1981.

98 STAT. 1532

(b) Land for which a permit is issued (or which is otherwise made available) under subsection (a) may be used by the party to which the permit is issued (or to which the land is made available) only for a fish hatchery and related purposes. The Secretary of the Army may not incur any cost in connection with such use.

(c) The Secretary of the Army may require such additional terms and conditions with respect to this section as the Secretary considers appropriate.

Approved August 28, 1984.

LEGISLATIVE HISTORY—H.R. 5604 (H.Res. 529) (S. 2723):

HOUSE REPORTS: No. 98-765 (Comm. on Armed Services) and No. 98-962 (Comm. of Conference).
SENATE REPORT No. 98-500 accompanying S. 2723 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 22, considered and passed House.
June 26, considered and passed Senate, amended.
Aug. 8, House agreed to conference report.
Aug. 9, Senate agreed to conference report.

Public Law 98-525
98th Congress

98 STAT. 2492

An Act

To authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1985, to revise and improve defense procurement, compensation, and management programs, to establish new defense educational assistance programs, to authorize appropriations for national security programs of the Department of Energy, and for other purposes.

Oct. 19, 1984
[H.R. 5167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Defense Authorization Act, 1985.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Department of Defense Authorization Act, 1985".

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT

Sec. 101. Authorization of appropriations, Army.
Sec. 102. Authorization of appropriations, Navy and Marine Corps.
Sec. 103. Authorization of appropriations, Air Force.
Sec. 104. Authorization of appropriations, Defense Agencies.
Sec. 105. Authorization of appropriations for certain NATO cooperative programs.
Sec. 106. Extension of authority provided Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
Sec. 107. Limitation on waivers of cost-recovery requirements under Arms Export Control Act.
Sec. 108. Waiver of limitation on foreign military sales program.
Sec. 109. Transfer of certain military equipment or data to foreign countries.
Sec. 110. Policy concerning acquisition of additional MX missiles.
Sec. 111. Prohibition of spending funds for binary chemical munitions.
Sec. 112. Strategic weapons loader.
Sec. 113. Foreign military sales of Air National Guard OA-37 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.
Sec. 202. Provisions relating to Army programs.
Sec. 203. Limitations on funds for the Navy.
Sec. 204. Limitations on funds for the Air Force.
Sec. 205. Policy governing the test of anti-satellite warheads.
Sec. 206. Limitation on funds for the Defense Agencies.
Sec. 207. Implementation of law to establish independent Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. Authorization of appropriations.
Sec. 302. General authorization of appropriations for pay raises, fuel costs, and inflation adjustments.
Sec. 303. Authorization of appropriations for working-capital funds.
Sec. 304. Contingency funds for the unified and specified commands.
Sec. 305. Sale of articles manufactured by certain arsenals; asset capitalization program.
Sec. 306. Administrative transition provision for Navy Stock Fund management change.
Sec. 307. Limitation on contracting-out core logistics functions.
98 STAT. 2493 Sec. 308. Limitation on consulting and related services.
Sec. 309. Restriction on reduction in ports of origin for certain cargo carried on vessels of the Military Sealift Command.
Sec. 310. Sense of Congress concerning introduction of United States Armed Forces into Central America for combat.

TITLE IV—PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. Authorization of end strengths.
Sec. 402. Extension of quality control on enlistments into the Army.

PART B—RESERVE FORCES

Sec. 411. Authorization of average strengths for Selected Reserve.
Sec. 412. Authorization of end strengths for members on active duty in support of the reserve components.
Sec. 413. Increase in number of certain personnel authorized to be on active duty in support of the reserve components.
Sec. 414. Clarification of status of members of the National Guard performing full-time duty.

PART C—MILITARY TRAINING

Sec. 421. Authorization of military training student loads.
Sec. 422. Reduction in number of students required to be in a unit of the Junior Reserve Officers' Training Corps for the unit to be maintained.

TITLE V—DEFENSE PERSONNEL MANAGEMENT

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Sec. 501. Waiver of civilian personnel ceilings for fiscal year 1985.
Sec. 502. Civilian personnel ceilings on industrially-funded activities during fiscal year 1984.

PART B—OFFICER PERSONNEL

Sec. 511. Temporary increase in the number of general and flag officers authorized to be on active duty.
Sec. 512. Authority to consider for promotion certain Army reserve brigadier generals.
Sec. 513. Authority to retain in active status until age 60 up to 10 Army reserve brigadier generals.

Sec. 514. Extension of authority for the temporary promotion of certain Navy lieutenants.
Sec. 515. Repeal of four-year limitation on period an officer may be assigned to the Army Staff or the Air Staff.

PART C—AMENDMENTS TO PROVISIONS OF LAW ENACTED BY THE DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

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Sec. 522. Increase in limitation on number of regular officers in the Navy, Air Force, and Marine Corps.
Sec. 523. Clarification of senior general and flag officers continuation in grade during a change in status.
Sec. 524. Authority to use means other than boards to decide whether an officer should be required to show cause for retention.
Sec. 525. Removal from further consideration for promotion of officers in pay grade O-2 who have twice failed of selection for promotion.
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Sec. 529. Navy limited duty officers.
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Sec. 532. Consideration for promotion of certain retired officers who later serve on active duty.
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Sec. 603. Reimbursement for accommodations in place of quarters.
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Sec. 1635. Authorization for production of the 155-millimeter artillery-fired, atomic projectile.

TITLE XVII—UNITED STATES INSTITUTE OF PEACE

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TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Army as follows:

For aircraft, $3,852,200,000.
For missiles, $3,260,000,000.
For weapons and tracked combat vehicles, $4,838,600,000.
For ammunition, $2,338,900,000.
For other procurement, $5,457,700,000.
For Army National Guard equipment, $50,000,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(A) $30,000,000 for procurement of aircraft to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Army remaining available for obligation;

(B) $13,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Army remaining available for obligation;

(C) $60,500,000 for procurement of weapons and tracked combat vehicles to be derived from amounts available for fiscal year 1983 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation resulting from the sale of M48A5 tanks under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund; 22 USC 2761.

(D) $197,300,000 for procurement of weapons and tracked combat vehicles to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation;

(E) $44,000,000 for procurement of ammunition to be derived from amounts appropriated for fiscal year 1984 for procurement of ammunition for the Army remaining available for obligation; and

(F) $18,000,000 for other procurement to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

(b) The Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of UH-60A aircraft, EH-60A aircraft, M-1 tanks or subsystems, TOW missiles, 5-ton trucks, Bushmaster Vehicle Rapid-fire weapon systems, and shop equipment contact maintenance vehicles, and for the execution of the CH-47D aircraft modernization program. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(c) Effective on October 1, 1984, the provisions of section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), shall not apply to the procurement of EH-60A and UH-60A aircraft under a multiyear contract. Effective date. 97 Stat. 1454.

(d) None of the funds appropriated pursuant to the authorizations of appropriations in subsection (a) may be used for the purpose of entering into a contract for the production and assembly of the Division Air Defense System until—

(1) initial production testing of such system is completed;

(2) the Secretary of Defense reports the results of such testing to the appropriate committees of Congress; and

(3) a period of 30 days has elapsed after the day on which those committees receive that report.

(e) Not later than February 1, 1985, the Secretary of the Army shall select a contractor for the supply of 120-millimeter mortars necessary to meet the requirements of the Army. The selection shall be made from among companies that are existing production sources for such mortars.

Prohibition.

(f) None of the funds appropriated pursuant to the authorizations of appropriations in subsection (a) may be used for the construction in foreign shipyards of logistics support vessels.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft for the Navy in the amount of $11,053,200,000.

(2) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $54,400,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Navy remaining available for obligation.

(b) WEAPONS.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $4,444,800,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,493,400,000.

For the MK-48 torpedo program, $212,900,000.

For the MK-46 torpedo program, $256,000,000.

For the MK-60 torpedo program, $128,500,000.

For the MK-30 mobile target program, $21,300,000.

For the MK-38 minimobile target program, $2,500,000.

For the antisubmarine rocket (ASROC) program, $25,900,000.

For the modification of torpedoes and related equipment, $32,200,000.

For the torpedo support equipment program, $96,000,000.

For the MK-15 close-in weapon system program, $163,900,000.

For the MK-75 76-millimeter gun mount program, $10,900,000.

For other weapons, $68,300,000.

The sum of the amounts authorized for facilities and contract support under this subsection is reduced by $12,000,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this paragraph.

98 STAT. 2500

(2) There is hereby authorized to be transferred to, and merged with amounts appropriated for procurement of weapons for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1) to the extent provided in appropriation Acts, $20,000,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons for the Navy remaining for obligation.

(c) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $12,153,400,000 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,708,200,000.

For the SSN-688 nuclear attack submarine program, $2,880,000,000.

For the aircraft carrier service life extension program (SLEP), $764,500,000.

For the CG-47 Aegis cruiser program, $3,150,000,000.

For the DDG-51 guided missile destroyer program, $1,173,900,000.

For the LSD-41 landing ship dock program, $489,500,000.

For the LHD-1 amphibious assault ship program, $39,200,000.

For the LPD-4 amphibious transport dock service life extension program, $15,000,000.

For the MCM-1 mine countermeasures ship program, $349,500,000.

For the TAO-187 fleet oiler program, $562,600,000.

For the TAGOS ocean surveillance ship program, $129,900,000.

For the TAGS ocean survey ship program, $245,000,000.

For the strategic sealift ready reserve program, $31,000,000.

For the TACS auxiliary crane ship program, $44,000,000.

For the TAVB aviation logistics support ship program, $42,800,000.

For the LCAC landing craft air cushion program, $230,100,000.

For service craft and landing craft, $93,100,000.

For outfitting and post delivery, $383,600,000.

The sum of the amounts authorized for programs under this subsection is reduced by $178,500,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this paragraph.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for shipbuilding and conversion for the Navy for fiscal year 1985 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts, amounts appropriated for fiscal years before fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation in the total amount of $70,000,000 as follows:

(A) For the Trident submarine program, $40,000,000 shall be derived from funds appropriated for fiscal year 1983 for the FFG-7 guided missile frigate program and shall be available only for an x-band phased array radar.

(B) For the naval nuclear reactor training program, $30,000,000 of which—

98 STAT. 2501

(i) $10,000,000 shall be derived from funds appropriated for fiscal year 1982 for the CVN aircraft carrier program; and

(ii) $20,000,000 shall be derived from funds appropriated for fiscal year 1983 for the CVN aircraft carrier program.

(3) There are hereby authorized to be transferred to, and merged with, amounts appropriated for shipbuilding and conversion for the Navy for fiscal year 1984, to the extent provided in appropriation Acts, amounts appropriated for fiscal years before fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation $336,200,000 for the battleship reactivation program, to be derived from funds appropriated for fiscal year 1983 for the CVN aircraft carrier program.

(d) Other Procurement, Navy.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for other procurement for the Navy in the amount of $5,266,300,000, of which—

(A) $775,100,000 is available only for the ship support equipment program;

(B) $1,778,800,000 is available only for the communications and electronics equipment program; and

(C) $1,137,600,000 is available only for the ordnance support equipment program.

(2) There is hereby authorized to be transferred to, and merged with amounts appropriated for other procurement for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1) to the extent provided in appropriation Acts, $85,000,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining for obligation.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,890,700,000.

(f) NAVY AND MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $20,000,000 for Navy Reserve equipment and $20,000,000 for Marine Corps Reserve equipment.

(g) MULTIYEAR CONTRACTS.—The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of CH-53E aircraft and AN/SSQ-36 sonobuoys. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(h) DDG-51 DESTROYER PROGRAM.—None of the funds appropriated pursuant to the authorization of appropriations in subsection (c) for the DDG-51 guided missile destroyer program may be obligated or expended until the Secretary of the Navy certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that the lead ship in that program is capable of being equipped with a Rankine-Cycle Energy Recovery (RACER) system without rearrangement of ship spaces and equipment or other major modification to the ship.

(i) COMMON AIRCRAFT EJECTION SEAT.—Notwithstanding any other provision of law, the Secretary of the Navy may establish and maintain an alternative source for the procurement of a common 98 STAT. 2502 aircraft ejection seat for the F/A-18 aircraft, the T-45 aircraft, the F-14D aircraft, and the A-6E upgrade aircraft. A business concern may be considered as such alternative source regardless of the country in which the business concern is based.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Air Force as follows:

For aircraft, $26,101,700,000.
For missiles, $8,605,300,000.
For other procurement, $8,724,000,000.
For Air National Guard equipment, $20,000,000.

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(i) $99,000,000 to be derived from amounts available for fiscal years 1983, 1984, and 1985 for procurement of aircraft for the Air Force remaining available for obligation resulting from the sale of aircraft under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund; 22 USC 2761.

(ii) $206,700,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Air Force remaining available for obligation; and

(iii) $144,800,000 to be derived from amounts appropriated for fiscal year 1983 for procurement of aircraft for the Air Force remaining for obligation from the C-19 program.

(3) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of missiles for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $15,000,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Air Force remaining for obligation.

(4) There is hereby authorized to be transferred to, and merged with, amounts appropriated for other procurement for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $14,500,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining for obligation.

(b) The Secretary of the Air Force may not make a contract for the procurement of aircraft engines unless the amount under the contract for any warranty required by section 797 of the Department of Defense Appropriation Act, 1983 (as contained in section 101(c) of Public Law 97-377), section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), or section 2403 of title 10, United States Code (as added by section 1234), does not exceed 10 percent of the total contract price.

96 Stat. 1833.
97 Stat. 1454.
Post, p. 2601.

(c) The Secretary of the Air Force may enter into a multiyear contract for the purchase of F-16 aircraft in accordance with section 2306(h) of title 10, United States Code. Such contract may include an unfunded cancellation ceiling. In the event funds are not made available for the continuation of such contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(d) The Secretary of the Air Force shall acquire four additional used commercial passenger aircraft to be used to augment national security airlift operations. Such aircraft shall be acquired using amounts which were appropriated for fiscal year 1983 for procurement of equipment for the Air National Guard and which remain available for obligation.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1985 for the defense agencies in the amount of $1,180,200,000.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATO COOPERATIVE PROGRAMS

SEC. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for activities of the Under Secretary of Defense for Research and Engineering for acquisition in connection with cooperative programs of the North Atlantic Treaty Organization as follows:

For acquisition of the Patriot missile system for the Federal Republic of Germany, $150,000,000.

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $65,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $15,000,000.

For acquisition of point air defense for ground-launched cruise missile bases in Europe, $10,000,000.

For acquisition of point air defense of United States airbases in Turkey, $10,000,000.

(b) None of the amounts appropriated pursuant to the authorizations in subsection (a) may be obligated—

(1) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(2) for acquisitions in connection with a NATO cooperative program in which the financial obligations of the United States

exceed the collective financial obligations of European countries in connection with such program.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Effective date.

SEC. 106. Effective on October 1, 1984, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1984" each place it appears and inserting in lieu thereof "fiscal year 1985".

98 STAT. 2504

LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

22 USC 2761.

97 Stat. 1450.

SEC. 107. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 762A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

22 USC 2751 note.

97 Stat. 1446.

SEC. 108. The Arms Export Control Act shall be administered as if section 743A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 96 Stat. 1858), had not been enacted into law.

TRANSFER OF CERTAIN MILITARY EQUIPMENT OR DATA TO FOREIGN COUNTRIES

97 Stat. 1450.

SEC. 109. Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

SEC. 110. (a) Subject to subsections (b) and (c), of the funds appropriated pursuant to the authorization of appropriations in section 103 for procurement of missiles for the Air Force, $2,500,000,000 may be used for the MX missile program, including acquisition of not more than 21 additional operational MX missiles.

(b) Except as provided in subsection (c), none of the $2,500,000,000 described in subsection (a) may be obligated for the procurement of additional operational MX missiles unless—

President of U.S. Report.

(1) after March 1, 1985, the President submits to Congress a report described in subsection (e);

(2) a joint resolution approving the obligation of those funds is enacted as provided for in this section; and

(3) a second joint resolution is enacted as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), further approving the obligation of those funds.

(c) Of the $2,500,000,000 described in subsection (a), $1,000,000,000 may be obligated only for—

(1) procurement related to the deployment of the 21 MX missiles for which funds were authorized and appropriated for fiscal year 1984;

(2) advance procurement of parts and materials for the MX missile program and for the maintenance of the MX missile program contractor base; and

(3) spare parts for the MX missile program.

(d)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress the matter after the resolving clause of which is as follows: "That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds appropriated for fiscal year 1985 for the procurement of additional operational MX missiles (in addition to the funds previously authorized to be obligated).”. 98 STAT. 2505

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution approving the further obligation of funds for the procurement of operational MX missiles as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply: 98 STAT. 2506

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Report.
President of U.S.

(e) A report under subsection (b)(1) shall include—

(1) a statement that the President has determined that further acquisition of operational missiles under the MX missile program is in the national security interest of the United States and is consistent with United States arms control policy;

(2) findings of the President concerning the effect of the acquisition and deployment of such missiles on the vulnerability of the United States land-based intercontinental ballistic missile force;

(3) a discussion of the basing mode for the MX missile (and related improvements in silo-hardening technology) and of proposals for the basing mode for the small, single-warhead intercontinental ballistic missile; and

(4) to the extent not covered under paragraphs (1) through (3), the assessment of the President submitted pursuant to subsection (g)(2).

(f) Obligation for the MX missile program of funds appropriated for fiscal year 1985 is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

(g)(1) Section 1231(e) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 694), is amended—

(A) by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Congress";

(B) by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 24, 1983,";

(C) by striking out "and" at the end of clause (B);

(D) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(E) by adding at the end thereof the following new clause: "(D) the progress of efforts to develop more survivable basing modes for the MX and other intercontinental missiles, including a new small mobile intercontinental ballistic missile.".

Supra.

(2) The first assessment under section 1231(e) of the Department of Defense Authorization Act, 1984, submitted after the date of the enactment of this Act shall be submitted as part of the report described in subsection (e) (rather than coincident with any request for funds for the procurement of MX missiles submitted to Congress before the submission of that report).

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

SEC. 111. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

STRATEGIC WEAPONS LOADER

SEC. 112. None of the funds appropriated to the Department of Defense may be obligated or expended for procurement of a new strategic weapons loader to meet the performance requirements for the B-1B bomber aircraft or the Advanced Technology Bomber aircraft until a contractor for such weapons loader has been determined after a competition.

FOREIGN MILITARY SALES OF AIR NATIONAL GUARD OA-37 AIRCRAFT

SEC. 113. It is the sense of Congress—

(1) that the Air Force should, at the earliest practicable date, provide modern replacement aircraft for those Air National Guard units currently using OA-37 Dragonfly aircraft in order to fulfill Forward Air Controller (FAC) mission of the Air National Guard; and

(2) that the United States should not sell or otherwise provide to any foreign country any OA-37 aircraft currently assigned to an Air National Guard unit unless the unit to which such aircraft is assigned is in the process of converting to the use of a more modern aircraft or unless the OA-37 aircraft to be sold or otherwise provided to a foreign country has been replaced with an OA-37 from the stocks of the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,546,675,000.

For the Navy (including the Marine Corps), $9,409,596,000.

For the Air Force, $13,547,311,000.

For the Defense Agencies, $4,577,681,000, of which $59,000,000 is authorized for the activities of the Director of Test and Evaluation.

(b) There is hereby authorized to be transferred to, and merged with, amounts appropriated for research and development for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in subsection (a), to the extent provided in appropriation Acts, $13,000,000 to be derived from amounts appropriated for fiscal year 1984 for research and development for the Navy remaining available for obligation.

98 STAT. 2508

(c) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

PROVISIONS RELATING TO ARMY PROGRAMS

Energy.
Motor Vehicles.

SEC. 202. (a)(1) Of the amount authorized in section 201 for the Army, the sum of $1,300,000 is available only for—

(A) the purchase of new methanol cars;

(B) establishing the reliability and durability of such vehicles in laboratory and fleet tests;

(C) testing a percentage of the methanol fleet in cold weather environments; and

(D) resolving related support functions for the safe and efficient storage, distribution, and the use of neat methanol fuel for such vehicles.

Report.

(2) Not later than September 30, 1985, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the progress of the methanol fuel program described in paragraph (1).

(b)(1) The Secretary of the Army shall proceed with the competitive development of a Joint Tactical Missile System having the following design goals:

(A) A maximum range of 200 kilometers.

(B) A payload at maximum range of 1,000 pounds.

(2) In the development of the Joint Tactical Missile System, the Secretary of the Army shall make maximum use of proven missile system technology with the objective of completing the competitive full-scale engineering development of the system by July 1, 1987.

Report.

(3) Not later than January 1 of 1985, 1986, and 1987, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress of the development of the system referred to in paragraph (1).

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $45,000,000 is available only for continued development of the Rankine-Cycle Energy Recovery (RACER) system to ensure compatibility of the RACER system with all ships of the DDG-51 class, including the lead ship;

(2) $25,016,000 is available only for the development of a derivative of the Navy SH-60 helicopter for the aircraft carrier inner-zone anti-submarine warfare helicopter mission;

(3) $37,795,000 is available only for the Mark 92 fire control system;

(4) $30,000,000 is available only for advanced submarine technology initiatives to enhance the effectiveness of the Navy new design attack submarine designated SSN-X and subsequent submarines;

(5) $42,422,000 is available only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-Radiation Missile (HARM) and other delivery vehicles;

98 STAT. 2509

(6) $6,000,000 is available only for the development of the rotary engine for Army, Navy, and Marine Corps applications;

(7) $26,603,000 is available only for the development of the Vertical Launch Anti-Submarine Rocket system; and

(8) $2,500,000 is available only for the development of the Submarine Laser Communication System.

(b) Of the amount authorized in section 201 for the Navy, not more than $100,000,000 may be obligated or expended for research and development of the new design submarine and its associated programs and projects unless and until the Secretary of the Navy provides to the Committees on Armed Services of the Senate and House of Representatives written certification that, based on current national intelligence estimates approved by the Director of Central Intelligence, the new design attack submarine will be capable under operational conditions of engaging the known Soviet submarine threat.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. Of the amount authorized in section 201 for the Air Force—

(1) $129,285,000 is available only for development of the C-17 cargo transport aircraft;

(2) $2,000,000 is available only to complete test and evaluation of the C-5 cargo transport aircraft; and

(3) $4,000,000 is available only for continued development of the low cost anti-radiation guidance and control system for the High-Speed Anti-Radiation Missile (HARM) and other delivery vehicles.

POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

SEC. 205. Section 1235 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 695), is amended to read as follows:

President of U.S.
10 USC 139 note.

"POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

"SEC. 1235. (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

"(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States;

"(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security;

"(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons; and

"(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

23 UST 3435.

"(b) During fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warhead may not be used to conduct more than two successful tests of that warhead against objects in space.

Prohibition.

"(c) The limitation on the expenditure of funds provided by subsection (a) shall cease to apply 15 calendar days after the date of the receipt by Congress of the certification referred to in subsection (a).".

LIMITATION ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 206. Of the amount authorized in section 201 for the Defense Agencies—

(1) $35,000,000 is available only for the Strategic Laser Communication Technology program; and

(2) $10,000,000 is available only for the application of free electron laser technology for medical research.

IMPLEMENTATION OF LAW TO ESTABLISH INDEPENDENT DIRECTOR OF OPERATIONAL TEST AND EVALUATION

SEC. 207. Of the amount appropriated for the activities of the Director of Test and Evaluation of the Department of Defense pursuant to the authorization of appropriations in section 201 (including activities relating to foreign weapons evaluation), not more than $20,000,000 may be obligated or expended until—

(1) the President appoints, by and with the advice and consent of the Senate, an individual to be the Director of Operational Test and Evaluation of the Department of Defense; and

(2) the Secretary of Defense establishes within the Department of Defense the organizational structure for the Office of the Director of Operational Test and Evaluation, as provided for under section 136a of title 10, United States Code. 97 Stat. 684.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $18,626,623,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,531,066,000.

(2) For intelligence and communications, $1,189,739,000.

(3) For central supply and maintenance, $5,350,590,000.

(4) For training, medical, and other general personnel activities, $4,149,964,000.

(5) For administration, $1,212,090,000.

98 STAT. 2511

(6) For support of other nations, $193,174,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $25,449,923,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $2,257,821,000.

(2) For general purpose forces, $12,062,668,000.

(3) For intelligence and communications, $1,122,038,000.

(4) For airlift and sealift, $561,526,000.

(5) For central supply and maintenance, $6,397,666,000.

(6) For training, medical, and other general personnel activities, $2,356,457,000.

(7) For administration, $689,235,000.

(8) For support of other nations, $2,512,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $1,648,169,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $904,152,000.

(2) For central supply and maintenance, $395,425,000.

(3) For training, medical, and other general personnel activities, $238,574,000.

(4) For administration, $110,018,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $19,528,869,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,175,540,000.

(2) For general purpose forces, $4,021,426,000.

(3) For intelligence and communications, $2,155,522,000.

(4) For airlift and sealift, $1,267,807,000.

(5) For central supply and maintenance, $6,299,250,000.

(6) For training, medical, and other general personnel activities, $2,042,959,000.

(7) For administration, $558,323,000.

(8) For support of other nations, $8,042,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $7,127,752,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $324,227,000.

(2) For intelligence and communications, $2,530,570,000.

(3) For central supply and maintenance, $1,644,460,000.

(4) For training, medical, and other general personnel activities, $2,163,411,000.

(5) For administration, $465,084,000.

(f) **Army Reserve.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $724,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $408,274,000.
(2) For depot maintenance, $8,656,000.
(3) For other support, $307,970,000.

(g) **Naval Reserve.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $833,681,000 for expenses, not otherwise provided for, for the operation and maintenance of the Naval Reserve as follows:

98 STAT. 2512

(1) For mission forces, $480,651,000.
(2) For depot maintenance, $149,426,000.
(3) For other support, $203,604,000.

(h) **Marine Corps Reserve.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $58,642,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $29,106,000.
(2) For depot maintenance, $1,665,000.
(3) For other support, $27,871,000.

(i) **Air Force Reserve.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $872,661,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $569,230,000.
(2) For depot maintenance, $154,212,000.
(3) For other support, $149,219,000.

(j) **Army National Guard.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $1,437,743,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $228,535,000.
(2) For logistic support, $1,080,770,000.
(3) For headquarters and command support, $117,429,000.
(4) For medical support, $11,009,000.

(k) **Air National Guard.**—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $1,814,248,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,339,637,000.
(2) For depot maintenance, $350,793,000.
(3) For other support, $123,818,000.

(l) **National Board for the Promotion of Rifle Practice, Army.**—There is hereby authorized to be appropriated for fiscal year 1985 the total amount of $914,000 for expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) **Claims, Defense.**—There is hereby authorized to be appropriated for fiscal year 1985 the total amount of $157,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) **Court of Military Appeals, Defense.**—There is hereby authorized to be appropriated for fiscal year 1985 the amount of $3,416,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

Sec. 302. There are authorized to be appropriated for fiscal year 1985, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 301.

AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

Sec. 303. Funds are hereby authorized to be appropriated for fiscal year 1985 to provide capital for working-capital funds of the Department of Defense in amounts as follows:

For the Army Stock Fund, $366,448,000.
For the Navy Stock Fund, $473,007,000.
For the Marine Corps Stock Fund, $34,908,000.
For the Air Force Stock Fund, $631,793,000.
For the Defense Stock Fund, $130,700,000.

CONTINGENCY FUNDS FOR THE UNIFIED AND SPECIFIED COMMANDS

Sec. 304. The Secretary of Defense may make available to the Joint Chiefs of Staff, out of any funds appropriated pursuant to the authorizations contained in section 301 for the Army, Navy, Marine Corps, and Air Force, such sums as may be necessary to meet unforeseen and contingent requirements of the unified and specified commands of the Armed Forces.

SALE OF ARTICLES MANUFACTURED BY CERTAIN ARSENALS; ASSET CAPITALIZATION PROGRAM

Sec. 305. Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsections:

"(i)(1) Regulations under subsection (h) may authorize an article manufactured by a working-capital funded Department of the Army arsenal that manufactures large caliber cannons, gun mounts, or recoil mechanisms to be sold to a person outside the Department of Defense if—

"(A) the article is sold to a United States manufacturer, assembler, or developer (i) for use in developing new products, or (ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States or a friendly foreign government;

"(B) the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(C) the article is not readily available from a commercial source in the United States; and

"(D) the sale is to be made on a basis that does not interfere with performance of work by the arsenal for the Department of Defense or for a contractor of the Department of Defense.

"(2) Services related to an article sold under this subsection may also be sold to the purchaser if the services are to be performed in the United States for the purchaser.

22 USC 2778.

"(3) Nothing in this subsection shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act to items which incorporate or are produced through the use of an article sold under this subsection.

"(j) The Secretary of Defense shall provide that of the total amount of payments received in a fiscal year by funds established under this section for industrial-type activities, not less than 3 percent during fiscal year 1985, not less than 4 percent during fiscal year 1986, and not less than 5 percent during fiscal year 1987 shall be used for the acquisition of capital equipment for such activities.".

ADMINISTRATIVE TRANSITION PROVISION FOR NAVY STOCK FUND MANAGEMENT CHANGE

SEC. 306. (a) In the management of the Navy Stock Fund established under section 2208 of title 10, United States Code, the Secretary of the Navy may provide for a withdrawal credit to be made by the stock fund to the current applicable appropriation accounts of an activity of the Navy in connection with the acquisition by that activity from the stock fund of supplies described in subsection (b). The amount of any such credit shall be the amount of the charge of the stock fund to the activity for the supplies.

(b) Subsection (a) applies in the case of the acquisition by an activity of the Navy from the Navy Stock Fund of supplies—

(1) that are aircraft components (or that are used in connection with aviation activities) that are repairable only at a repair depot; and

(2) that are capitalized into the Navy Stock Fund as a result of the management change effective on April 1, 1985, relating to depot-level repairable assets and that are charged to an activity of the Navy that is a customer of the Navy Stock Fund.

(c) A withdrawal credit may be made under this section without regard to the last sentence of section 2208(g) of title 10, United States Code.

LIMITATION ON CONTRACTING-OUT CORE LOGISTICS FUNCTIONS

Defense and national security. 10 USC 2304 note.

SEC. 307. (a)(1) It is essential for the national defense that Department of Defense activities maintain a logistics capability (including personnel, equipment, and facilities) to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

(2) The Secretary of Defense shall identify those logistics activities that are necessary to maintain the logistics capability described in paragraph (1).

(b)(1) Except as provided in paragraph (2), performance of a logistics activity identified by the Secretary under subsection (a)(2) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as "OMB Circular A-76").

Waiver.

(2) The Secretary of Defense may waive paragraph (1) in the case of any logistics activity and provide that performance of such activity shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary and shall be based on a determination by the Secretary that Government performance of the activity is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of a logistics activity identified under subsection (a)(2) is no longer required for national defense reasons.

Regulations.

98 STAT. 2515

Report.

(3) A waiver under paragraph (2) may not take effect until—

(A) the Secretary has submitted a report on the waiver to the Committees on Armed Services of the Senate and House of Representatives; and

(B) a period of 20 days of continuous session of Congress or 40 calendar days has passed after the receipt of the report by those committees.

(4) For purposes of paragraph (3)(B), the continuity of a session of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

Report.

(c) Identification of logistics activities that are necessary to maintain the logistics capability described in subsection (a)(1) shall be completed, and a report describing those activities (including a detailed specification or listing) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives, not later than April 1, 1985.

LIMITATION ON CONSULTING AND RELATED SERVICES

SEC. 308. Of the funds appropriated to or for the use of the Department of Defense for fiscal year 1985 pursuant to an authorization contained in this Act or any other law, not more than $1,302,599,000 may be obligated or expended for consultants, studies and analyses, management support contracts, and contract systems and technical engineering.

RESTRICTION ON REDUCTION IN PORTS OF ORIGIN FOR CERTAIN CARGO CARRIED ON VESSELS OF THE MILITARY SEALIFT COMMAND

SEC. 309. (a)(1) Except as provided in subsection (b), funds appropriated to the Department of Defense pursuant to an authorization of appropriations in this Act may not be used to carry out a permanent consolidation or reduction, to a number less than the base number, in the number of ports at which cargo shipments originate that—

(A) are shipments of breakbulk cargo;

(B) are carried through the Panama Canal on vessels operated by or for the Military Sealift Command; and

(C) have a destination at a port on the Pacific Ocean outside the continental United States.

(2) For the purposes of paragraph (1), the base number is the number of ports which were being used to originate cargo shipments described in paragraph (1) as of January 1, 1984.

Expiration date.

(b) The limitation in subsection (a) shall cease to apply with respect to a proposed consolidation or reduction 30 days after the date on which Congress receives a report from the Secretary of Defense describing the proposed consolidation or reduction, but not before February 1, 1985.

98 STAT. 2516

SENSE OF CONGRESS CONCERNING INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT

50 USC 1541 note.
President of U.S.

SEC. 310. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

El Salvador.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before

any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

50 USC 1541 note.

TITLE IV—PERSONNEL AUTHORIZATIONS

Part A—Active Forces

AUTHORIZATION OF END STRENGTHS

Sec. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1985, as follows:

(1) The Army, 780,800.
(2) The Navy, 571,300.
(3) The Marine Corps, 198,300.
(4) The Air Force, 602,070.

EXTENSION OF QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

Sec. 402. Effective on October 1, 1984, section 302(a) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 520 note), is amended by striking out "October 1, 1983" and "September 30, 1984" and inserting in lieu thereof "October 1, 1984" and "September 30, 1985", respectively.

97 Stat. 629.

Part B—Reserve Forces

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

10 USC 261 note.

Sec. 411. (a) For fiscal year 1985 the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 435,117.
(2) The Army Reserve, 284,073.
(3) The Naval Reserve, 124,100.
(4) The Marine Corps Reserve, 44,300.

(5) The Air National Guard of the United States, 105,438.
(6) The Air Force Reserve, 72,900.
(7) The Coast Guard Reserve, 12,500.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

(c) The Secretary of the Air Force shall use the personnel strength for the Air National Guard of the United States authorized by subsection (a) to establish and maintain in the Air National Guard of the United States during fiscal year 1985 not less than 91 flying units.

AUTHORIZATION OF END STRENGTHS FOR MEMBERS ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

Sec. 412. (a) Within the average strengths prescribed in section 411, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1985, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 20,583.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 15,210.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard and the Air National Guard of the United States, 7,024.

(6) The Air Force Reserve, 623.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

98 STAT. 2518

SEC. 413. (a) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	517	156	87	9
E-8	2,295	381	455	74".

10 USC 524.

(b) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	2,261	823	471	100
Lieutenant colonel or commander	1,121	520	293	50
Colonel or Navy captain	345	177	172	25".

Effective date.
10 USC 517 note.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1984.

CLARIFICATION OF STATUS OF MEMBERS OF THE NATIONAL GUARD PERFORMING FULL-TIME DUTY

SEC. 414. (a)(1) Section 101 of title 10, United States Code, is amended—

(A) by adding at the end of paragraph (22) the following new sentence: "It does not include full-time National Guard duty.";

(B) by inserting "or full-time National Guard duty" after "active duty" in paragraph (24); and

(C) by adding at the end thereof the following new paragraph:

"(42) 'Full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.".

(2) Section 517(b) of such title is amended— 10 USC 517.

(A) by inserting "(other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training)" after "on active duty";

(B) by striking out "of the armed forces" and inserting in lieu thereof "or the National Guard"; and

(C) by striking out "prescribed for the grade and the armed force" and inserting in lieu thereof "for that grade and armed force".

(3) Section 523(b)(1) of such title is amended— 10 USC 523.

(A) by striking out "or section 502 or 503 of title 32" in clause (C);

(B) by striking out "or" at the end of clause (D);

(C) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or"; and

(D) by adding at the end thereof the following:

"(F) on full-time National Guard duty.".

(4)(A) Subsection (a) of section 524 of such title is amended— 10 USC 524.

(i) by inserting "or full-time National Guard duty" after "active duty" the first place it appears; and

(ii) by inserting "or full-time National Guard duty (other than for training) under section 502(f) of title 32" after "of this title".

(B)(i) The heading of such section is amended to read as follows:

"§ 524. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain".

(ii) The item relating to such section in the table of sections at the beginning of chapter 32 of such title to read as follows:

"524. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.".

(5) Section 641(1) of such title is amended— 10 USC 641.

(A) by striking out "or under section 502 or 503 of title 32" in clause (C);

(B) by striking out "or" at the end of clause (E);

(C) by striking out the period at the end of the clause (F) and inserting in lieu thereof "; or"; and

(D) by adding at the end thereof the following:

"(G) on full-time National Guard duty.".

(6) Section 976(a)(1) is amended by striking out "or (B)" and inserting in lieu thereof ", (B) a member of the National Guard who is serving on full-time National Guard duty, or (C)". 10 USC 976.

(7)(A) Section 3686(2) of such title is amended to read as follows: 10 USC 3686.

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be deemed to be active duty in Federal service as a Reserve of the Army, except that for purposes of title 38 such duty shall be considered to be active duty for training; and".

(B) Section 8686(2) of such title is amended to read as follows: 10 USC 8686.

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be deemed to be active duty in Federal service as a Reserve of the Air Force, except that for purposes of title 38 such duty shall be considered to be active duty for training; and".

(b)(1) Section 101 of title 32, United States Code, is amended—

(A) by adding at the end of paragraph (12) the following new sentence: "It does not include full-time National Guard duty."; and

(B) by adding at the end thereof the following new paragraph:

"(19) 'Full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the

Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of this title for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.". 32 USC 316, 502–505.

Repeal. 97 Stat. 632. (2)(A) Section 335 of such title is repealed.

(B) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 335.

98 STAT. 2520

(c) Section 101(18) of title 37, United States Code, is amended by inserting "full-time National Guard duty," after "annual training duty,".

PART C—MILITARY TRAINING

AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS

SEC. 421. (a) For fiscal year 1985, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,920.
(2) The Navy, 69,116.
(3) The Marine Corps, 21,186.
(4) The Air Force, 46,592.
(5) The Army National Guard of the United States, 18,338.
(6) The Army Reserve, 15,994.
(7) The Naval Reserve, 3,389.
(8) The Marine Corps Reserve, 3,941.
(9) The Air National Guard of the United States, 2,990.
(10) The Air Force Reserve, 2,099.

(b) The average military training student loads authorized in subsection (a) shall be adjusted consistent with the personnel strengths authorized in parts A and B of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe. *Ante*, p. 2516.

REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS FOR THE UNIT TO BE MAINTAINED

SEC. 422. Section 2031(b) of title 10, United States Code, is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) the number of physically fit students in such unit who are at least 14 years of age and are citizens or nationals of the United States is not less than (A) 10 percent of the number of students enrolled in the institution who are at least 14 years of age, or (B) 100, whichever is less;";

(2) by striking out "and" at the end of clause (3);

(3) by striking out the period at the end of clause (4) and inserting in lieu thereof "; and "; and

(4) by adding at the end thereof the following new clause:

"(5) the unit meets such other requirements as may be established by the Secretary of the military department concerned.".

TITLE V—DEFENSE PERSONNEL MANAGEMENT

PART A—CIVILIAN PERSONNEL

WAIVER OF CIVILIAN PERSONNEL CEILINGS FOR FISCAL YEAR 1985

SEC. 501. (a) The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1985 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1985, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an "end-strength") on the number of such personnel who may be employed on the last day of such fiscal year.

98 STAT. 2521

Report.

(c) Not later than March 1, 1985, the Secretary of Defense and the Director of the Office of Management and Budget shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report on the experience of the Department of Defense during fiscal year 1985 (to the date of the report) concerning the management of civilian personnel of the Department without a congressionally imposed civilian end strength and with a statutory prohibition on the management during that fiscal year of such civilian personnel by end strength. Each such report shall include the views of the Secretary or Director, as appropriate, with respect to the desirability of managing such personnel in such a manner.

CIVILIAN PERSONNEL CEILINGS ON INDUSTRIALLY-FUNDED ACTIVITIES DURING FISCAL YEAR 1984

Sec. 502. In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 632), any increase during fiscal year 1984 in the number of civilian personnel of industrially-funded activities of the Department of Defense in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

Part B—Officer Personnel

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS AUTHORIZED TO BE ON ACTIVE DUTY

10 USC 525 note.

Sec. 511. (a) During fiscal year 1985, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in the grade of general is increased by one.

(b) During fiscal year 1985, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be serving on active duty in a grade above rear admiral is increased by three. None of the additional officers in grades above rear admiral by reason of this subsection may be in the grade of admiral.

(c) During fiscal year 1985, the number of officers of the Marine Corps authorized under section 525(b)(1) of title 10, United States Code, to be serving on active duty in grades above major general is increased by one, plus an additional one during any period of that fiscal year that an officer of the Marine Corps is serving as the Commander-in-Chief of the United States Central Command. An additional officer in a grade above major general by reason of this subsection may not be in the grade of general.

AUTHORITY TO CONSIDER FOR PROMOTION CERTAIN ARMY RESERVE BRIGADIER GENERALS

Sec. 512. Section 3364(e) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "However, the Secretary may waive the preceding sentence and any other provision of this subtitle relating to the required status of officers eligible to be considered for promotion in order to permit consideration for promotion to the reserve grade of major general of an officer in the reserve grade of brigadier general—

98 STAT. 2522

"(1) who is in an inactive status pursuant to a transfer to the inactive status list under section 3375(2) of this title and who has been on that list for less than one year; or

10 USC 3375.

"(2) who has been in an active status for less than one year, if the officer was returned to that status from a transfer to the inactive status list under section 3375(2) of this title.".

AUTHORITY TO RETAIN IN ACTIVE STATUS UNTIL AGE 60 UP TO 10 ARMY RESERVE BRIGADIER GENERALS

SEC. 513. Section 3851 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d) and by striking out "of this section" in such subsection; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of an officer in the reserve grade of brigadier general who would otherwise be removed from an active status under this section, except that not more than 10 officers may be retained under this subsection at any time.".

EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS

97 Stat. 629.

SEC. 514. Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

REPEAL OF FOUR-YEAR LIMITATION ON PERIOD AN OFFICER MAY BE ASSIGNED TO THE ARMY STAFF OR THE AIR STAFF

Effective date.

SEC. 515. Effective on October 1, 1984, sections 3031(d) and 8031(d) of title 10, United States Code, are repealed.

PART C—AMENDMENTS TO PROVISIONS OF LAW ENACTED BY THE DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

RETENTION IN GRADE OF OFFICERS APPOINTED IN RESERVES UPON SEPARATING FROM ACTIVE DUTY

97 Stat. 666.

SEC. 521. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out "subsection (b)" in subsection (a) and inserting "subsections (b) and (c)"; and

(2) by adding at the end thereof the following new subsection:

"(c) Under regulations prescribed by the Secretary concerned, a person who is originally appointed as a reserve officer of the Army and who is a former commissioned officer may be appointed in the reserve grade equivalent to the grade held by that person when discharged or separated and may be credited with time in that grade for promotion purposes equal to the time in grade held by that person when discharged or separated.".

97 Stat. 666.

(b) Section 8359 of such title is amended—

98 STAT. 2523

(1) by striking out "subsection (b)" in subsection (a) and inserting "subsections (b) and (c)"; and

(2) by adding at the end thereof the following new subsection:

"(c) Under regulations prescribed by the Secretary concerned, a person who is originally appointed as a reserve officer of the Air Force and who is a former commissioned officer may be appointed in the reserve grade equivalent to the grade held by that person when discharged or separated and may be credited with time in that grade for promotion purposes equal to the time in grade held by that person when discharged or separated.".

10 USC 3559 note.

(c)(1) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer of the Army or Air Force originally appointed after September 14, 1981, who at the time of that appointment was a former commissioned officer and who was appointed in a reserve grade lower than the grade held by that person when discharged may be appointed in the reserve grade equivalent to the officer's former grade.

(2) An original reserve appointment in the Army or the Air Force of a person who (at the time of the appointment) was a former commissioned officer which (A) was made during the period beginning on September 15, 1981, and ending on the day before the date of the enactment of this Act, and (B) was made in a grade formerly held by that person shall be considered to have been a valid appointment at the time made, and any officer who received such an appointment is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment.

INCREASE IN LIMITATION ON NUMBER OF REGULAR OFFICERS IN THE NAVY, AIR FORCE, AND MARINE CORPS

SEC. 522. Section 522 of title 10, United States Code, is amended by striking out "48,000", "69,425", and "13,000" and inserting in lieu thereof "55,000", "80,000", and "17,000", respectively.

CLARIFICATION OF SENIOR GENERAL AND FLAG OFFICERS CONTINUATION IN GRADE DURING A CHANGE IN STATUS

SEC. 523. Section 601(b) of title 10, United States Code, is amended to read as follows:

"(b) An officer who is appointed to the grade of general, admiral, lieutenant general, or vice admiral for service in a position of importance and responsibility designated to carry that grade shall continue to hold that grade—

"(1) while serving in that position of importance and responsibility;

"(2) while under orders transferring him to another position designating to carry one of those grades, beginning on the day his assignment to the first position is terminated and ending on the day before the day on which he assumes the second position;

"(3) while hospitalized, beginning on the day of the hospitalization and ending on the day he is discharged from the hospital, but not for more than 180 days; and

"(4) while awaiting retirement, beginning on the day he is relieved from the position designated to carry one of those grades and ending on the day before his retirement, but not for more than 90 days.".

AUTHORITY TO USE MEANS OTHER THAN BOARDS TO DECIDE WHETHER AN OFFICER SHOULD BE REQUIRED TO SHOW CAUSE FOR RETENTION

SEC. 524. (a) Section 618(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) If the report of a selection board names an officer as having a record which indicates that the officer should be required to show cause for his retention on active duty, the Secretary concerned may provide for the review of the record of that officer as provided for under regulations prescribed under section 1181 of this title.".

(b)(1) Section 1181 of such title is amended to read as follows: 10 USC 1181.

"§1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons Regulations.

"(a) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer shall be required, because his performance of duty has fallen below standards prescribed by the Secretary of Defense, to show cause for his retention on active duty.

"(b) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active duty.".

(2) The item relating to section 1181 in the table of sections at the beginning of chapter 60 of such title is amended to read as follows:

"1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.".

Effective date. 10 USC 1181 note.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the first day of the first month that begins more than 60 days after the date of the enactment of this Act, but shall not apply to any case in which, before that date, a board of officers has been ordered to convene under the provisions of section 1181 of title 10, United States Code, as in effect before that date.

Supra.

REMOVAL FROM FURTHER CONSIDERATION FOR PROMOTION OF OFFICERS IN PAY GRADE O-2 WHO HAVE TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 525. (a) Subsection (b) of section 619 of title 10, United States Code, is amended—

(1) by striking out "An officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Paragraph (1) does not apply to a regular officer who is ineligible for consideration for promotion under section 631(c) of this title or to a reserve officer who has failed of selection for promotion to the grade of captain or, in the case of an officer of the Navy, lieutenant for the second time.".

98 STAT. 2525

(b) Subsection (c)(2) of such section is amended—

(1) by striking out "and" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(D) may, by regulation, preclude from consideration by a selection board by which he would otherwise be eligible to be considered, an officer who has an established separation date that is within 90 days after the date the board is convened.".

10 USC 631.

(c) Section 631 of such title is amended by adding at the end thereof the following new subsection:

"(c) An officer who is subject to discharge under subsection (a)(1) is not eligible for further consideration for promotion.".

DETERMINATION OF DATE OF RANK FOR OFFICERS WHOSE PROMOTIONS ARE DELAYED ADMINISTRATIVELY

SEC. 526. Paragraphs (1) and (2) of section 624(d) of title 10, United States Code, are each amended by striking out the period at the end and inserting in lieu thereof ", unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the active-duty list as the Secretary considers appropriate under the circumstances.".

SPECIAL SELECTION BOARDS FOR WARRANT OFFICERS

SEC. 527. (a) Subsections (a)(1) and (b)(1) of section 628 of title 10, United States Code, are amended by striking out "(composed in accordance with section 612 of this title)" and inserting in lieu thereof "(composed in accordance with section 612 of this title or, in the case of a warrant officer, composed in accordance with section 558 of this title and regulations prescribed by the Secretary of the military department concerned)".

(b) Section 641 of such title is amended by striking out "(other than section 640)" and inserting in lieu thereof "(other than section 640 and, in the case of warrant officers, section 628)". 10 USC 641.

AUTHORITY TO DISCHARGE RESERVE SECOND LIEUTENANTS AND ENSIGNS FOUND NOT QUALIFIED FOR PROMOTION

SEC. 528. (a) Section 1005 of title 10, United States Code, is amended—

(1) by striking out "A reserve commissioned officer, other than a commissioned warrant officer," and inserting in lieu thereof "(a) Except as provided in subsection (b), a reserve commissioned officer";

(2) by striking out the comma after "any other provision of law"; and

(3) by adding at the end thereof the following new subsection:

"(b) Subsection (a) does not prevent the discharge or transfer from an active status of—

"(1) a commissioned warrant officer; or

"(2) an officer on the active-duty list who is found not qualified for promotion to the grade of first lieutenant, in the case of an officer of the Army, Air Force, or Marine Corps, or lieutenant (junior grade), in the case of an officer of the Navy.". 98 STAT. 2526

(b) Section 3819 of such title is amended— 10 USC 3819.

(1) by inserting "(a)" before "Except as provided";

(2) by inserting "and not on the active-duty list" after "in an active status"; and

(3) by adding at the end thereof the following new subsection:

"(b) Except as provided by section 1006 of this title, each second lieutenant of the Army Reserve who is on the active-duty list of the Army and is found not qualified for promotion to the reserve grade of first lieutenant shall be discharged from his reserve appointment not later than the end of the 18-month period beginning on the date on which he is first found not qualified for promotion to that grade, unless he is promoted to that grade before the end of that period.".

(c) Section 6389 of such title is amended by adding at the end thereof the following new subsection: 10 USC 6389.

"(g) An officer in an active status in the Naval Reserve in the permanent grade of ensign who is found not qualified for promotion to the grade of lieutenant (junior grade), and an officer in an active status in the Marine Corps Reserve in the permanent grade of second lieutenant who is found not qualified for promotion to the grade of first lieutenant, may (unless he is sooner promoted) be eliminated from an active status.".

(d) Section 8819 of such title is amended by adding at the end thereof the following new subsection: 10 USC 8819.

"(c) Except as provided by section 1006 of this title, each second lieutenant of the Air Force Reserve who is on the active-duty list of the Air Force and is found not qualified for promotion to the reserve grade of first lieutenant shall be discharged from his reserve appointment not later than the end of the 18-month period beginning on the date on which he is first found not qualified for promotion to that grade, unless he is promoted to that grade before the end of that period.".

NAVY LIMITED DUTY OFFICERS

SEC. 529. (a) Section 619(d)(2) of title 10, United States Code, is amended by striking out "Navy or" and "lieutenant commander or".

10 USC 633. (b) Section 633 of such title is amended by striking out "Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies)" and inserting in lieu thereof "Except an officer of the Navy designated for limited duty to whom section 5596(e) of this title applies and an officer of the Marine Corps designated for limited duty to whom section 5596(e) or section 6383 of this title applies".

10 USC 6383. (c)(1) Subsection (a) of section 6383 of such title is amended by striking out "each regular officer of the Navy or Marine Corps" and inserting in lieu thereof "each regular officer of the Navy who is an officer designated for limited duty and who is serving in a grade below the grade of commander and each regular officer of the Marine Corps who is an officer".

(2) Subsection (d) of such section is amended by striking out "Each" and inserting in lieu thereof "Except as provided in subsection (i), each".

(3) Subsection (i) of such section is amended—

(A) by inserting "or the discharge under subsection (d)" after "the retirement under subsection (a) or (b)"; and

98 STAT. 2527

(B) by striking out the second sentence and inserting in lieu thereof the following: "An officer whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond 20 years active commissioned service, if in the grade of lieutenant or captain, beyond 24 years active commissioned service, if in the grade of lieutenant commander or major, or beyond 28 years active commissioned service, if in the grade of lieutenant colonel, or beyond age 62, whichever is earlier.".

APPOINTMENT IN PERMANENT GRADE OF CERTAIN LIMITED DUTY OFFICERS SERVING IN HIGHER TEMPORARY GRADES

SEC. 530. Section 616 of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended by adding at the end thereof the following new subsection:

"(c) An officer of the Navy or Marine Corps who on September 15, 1981, was an officer designated for limited duty under section 5589 of title 10, United States Code, and who on the date of the enactment of this subsection is serving in a temporary grade above the grade of lieutenant, in the case of an officer of the Navy, or captain, in the case of an officer of the Marine Corps, may be reappointed under section 5589 of title 10, United States Code (as in effect on or after September 15, 1981), in the same permanent grade and with the same date of rank held by that officer on the active-duty list immediately before such reappointment if he is otherwise eligible for appointment under that section.".

DETERMINATION OF SEVERANCE PAY IN CERTAIN CASES

SEC. 531. Section 631 of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended—

(1) by striking out "the day before the effective date of this Act" each place it appears and inserting in lieu thereof "September 14, 1981,";

(2) by striking out "on or" in subsection (a)(2);

(3) by striking out the period at the end of subsection (a) and inserting in lieu thereof ", unless (in the case of a member discharged or released on or after the date of the enactment of the Department of Defense Authorization Act, 1985) the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay."; *Ante*, p. 2492.

(4) by striking out "to whom subsection (a) applies is" in subsection (b) and inserting in lieu thereof "who is entitled to

receive a readjustment payment or severance pay under subsection (a) is also"; and

(5) by striking out "a readjustment payment or" in subsection (b) and inserting in lieu thereof "the readjustment payment and".

CONSIDERATION FOR PROMOTION OF CERTAIN RETIRED OFFICERS WHO LATER SERVE ON ACTIVE DUTY

SEC. 532. (a) Title VI of the Defense Officer Personnel Management Act (10 U.S.C. 611 note) is amended by adding at the end of part C the following new section:

"SAVINGS PROVISION FOR PROMOTION CONSIDERATION OF CERTAIN RETIRED OFFICERS

"SEC. 639. Notwithstanding sections 619, 620, and 641(4) of title 10, United States Code, a retired officer serving on active duty on the date of the enactment of this section who on September 14, 1981, was on active duty as a retired officer recalled to active duty and who—

"(1) was eligible for consideration for promotion on that date; and

"(2) has served continuously on active duty since that date,

may be considered for promotion (under regulations prescribed by the Secretary of the military department concerned) by a selection board that convenes after the date of the enactment of this section as if he had been placed on the active-duty list pursuant to section 621 of this Act.".

(b) The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 638 the following new item: 10 USC 611 note.

"Sec. 639. Savings provision for promotion consideration of certain retired officers."

TECHNICAL AMENDMENTS

SEC. 533. (a) Paragraph (1) of section 645 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting "(other than after having been placed on that list after a selection from below the promotion zone)" after "to that grade" in clauses (i)(II) and (ii)(II); and

(2) in subparagraph (B)—

(A) by inserting "in the promotion zone" after "the junior officer"; and

(B) by striking out "in the promotion zone" after "higher grade".

(b) Section 680(b)(3) of such title is amended by inserting ", separation pay," after "retired pay". 10 USC 680.

(c) Sections 3964 and 8964 of such title are amended by striking out "temporary". 10 USC 3964, 8964.

(d)(1) Subsections (a) and (b) of section 4336 of such title are amended by striking out "when a regular officer" in the second sentence and all that follows through "grade of colonel," and inserting in lieu thereof "on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,". 10 USC 4336.

(2) Subsections (a) and (b) of section 9336 of such title are amended by striking out "when a regular officer" in the second sentence and all that follows through "grade of colonel," and inserting in lieu thereof "on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,". 10 USC 9336.

(e) Section 5891(c) of such title is amended by striking out "a lineal list" both places it appears and inserting in lieu thereof "the active-duty list". 10 USC 5891.

Repeal.
10 USC 6482.

(f)(1) Section 6482 of such title is repealed.

(2) The table of sections at the beginning of chapter 575 of such title is amended by striking out the item relating to section 6482.

(g) Section 404(c)(1)(B) of title 37, United States Code, is amended by inserting "separation pay or" before "severance pay" and before 98 STAT. 2529 "readjustment pay".

Part D—Officer Training Programs

CLARIFICATION OF AUTHORITY TO ORDER CERTAIN CADETS AND MIDSHIPMEN TO ACTIVE DUTY

Sec. 541. (a) Section 4348(a) of title 10, United States Code, is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the service," in clause (2) before "serve" and in clause (3) before "remain".

10 USC 6959.

(b) Section 6959(a) of such title is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Naval Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the naval service," in clause (2) before "serve" and in clause (3) before "remain".

10 USC 9348.

(c) Section 9348(a) of title 10, United States Code, is amended—

(1) by striking out ", unless sooner separated," in the matter preceding clause (1);

(2) by inserting "unless sooner separated from the Academy," in clause (1) before "complete the"; and

(3) by inserting ", unless sooner separated from the service," in clause (2) before "serve" and in clause (3) before "remain".

Effective date.
10 USC 4348 note.

(d) The amendments made by this section shall apply with respect to agreements entered into under section 4348, 6959, or 9348 of title 10, United States Code, before, on, or after the date of the enactment of this Act.

EXTENSION OF MILITARY SERVICE OBLIGATION OF SERVICE ACADEMY AND ROTC CADETS AND MIDSHIPMEN

Sec. 542. (a) Section 2107(b)(5) of title 10, United States Code, is amended—

(1) by striking out the semicolon in subclause (A)(i) and inserting in lieu thereof "or before such other date, not beyond the eighth anniversary of the midshipman's date of rank, that the Secretary of Defense may prescribe;"; and

(2) by striking out "the sixth anniversary" in subclause (C)(ii) and inserting in lieu thereof "at least the sixth anniversary and, at the discretion of the Secretary of Defense, up to the eighth anniversary".

10 USC 4348.

(b) Section 4348(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

10 USC 6959.

(c) Section 6959(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

10 USC 9348.

(d) Section 9348(a)(3) of such title is amended by striking out "the sixth anniversary" and inserting in lieu thereof "at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary".

98 STAT. 2530

ELIGIBILITY FOR ADVANCED TRAINING IN SENIOR ROTC PROGRAM

SEC. 543. (a) Section 2104 of title 10, United States Code, is amended—

(1) by striking out ", who have at least two academic years remaining at such educational institution" in subsection (a); and

(2) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) either—

"(A) complete successfully—

"(i) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

"(ii) field training or a practice cruise of not less than six weeks' duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course; or

"(B) at the discretion of the Secretary concerned, agree in writing to complete field training or a practice cruise, as prescribed by the Secretary concerned, within two years after admission to the advanced course.".

(b) The amendments made by subsection (a) do not constitute authority for the enactment of new budget authority for a fiscal year beginning before October 1, 1984.

Effective date. 10 USC 2104 note.

PART E—MISCELLANEOUS

WOMEN IN THE ARMED FORCES

SEC. 551. (a) The Secretary of the Air Force shall provide that of all persons originally enlisting in the Regular Air Force during the period beginning on October 1, 1986, and ending on September 30, 1988—

10 USC 8251 note.

(1) not less than 19 percent of those enlisting during fiscal year 1987 shall be women; and

(2) not less than 22 percent of those enlisting during fiscal year 1988 shall be women.

(b) The Secretary of Defense shall study the propensity of young women to serve in the military and shall submit a report to Congress with the Secretary's review and analysis of that propensity not later than six months after the date of the enactment of this Act.

Study. Report.

RESERVE FORCES READINESS

SEC. 552. (a)(1) The Secretary of Defense shall conduct a review of the various systems used to measure the readiness of reserve units of the Armed Forces and shall implement a measurement system for the active and reserve components of the Armed Forces to provide an objective and uniform evaluation of the readiness of all units of the Armed Forces. The measurement system should be designed to produce information adequate to provide comparisons concerning the readiness of all units. The system for evaluation of the readiness of a unit of an active component should incorporate the performance of any unit of a reserve component affiliated with the active component unit, including the effect of the reserve component unit on the mobilization capability of the active component unit.

Study. 10 USC 261 note.

98 STAT. 2531

(2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the results of the review under paragraph (1) and the measurement system implemented in accordance with that paragraph.

Report.

(b)(1) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs, shall conduct a study to evaluate the feasibility of allocating equipment to units of reserve

Study. 10 USC 261 note.

components based on a measure of effectiveness of such units. The study should consider the effects of allocating equipment by comparing units with similar deployment times and similar capabilities in terms of training and equipment rather than by comparing all reserve component units with each other. The study should be integrated with an evaluation of the system for measuring unit effectiveness to be implemented in accordance with subsection (a).

Report. (2) As part of the report under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study carried out under paragraph (1).

10 USC 261 note. (c) It is the sense of Congress that the number of members of the Army Reserve and of the Army National Guard assigned to full-time manning duty should be increased to 14 percent of the total membership of the Army Reserve and of the Army National Guard, respectively, by fiscal year 1989.

Study. 10 USC 261 note. (d)(1)(A) The Secretary of Defense, acting through the Assistant Secretary of Defense for Reserve Affairs, shall conduct a study of the benefits of a longer training program for certain units of the reserve components and shall conduct a test of such a program. The test program should begin at the earliest realistic date.

(B) In developing training programs for the reserve components, the Secretary shall give increased attention to innovative training technologies, techniques, and schedules that recognize the limitations on time and the geographic dispersion of the reserve components.

Report. (2) Not later than March 31, 1985, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing the study under paragraph (1).

10 USC 261 note. (e) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units. The Secretary shall develop a plan by June 30, 1985, to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

(f)(1) In order to encourage members of the Armed Forces whose military service obligation is expiring and who do not choose to reenlist or otherwise extend their service on active duty or in active elements of reserve components to remain in the Armed Forces as members of the Individual Ready Reserve, the Secretary of Defense shall consider making greater use of the authority provided under section 308h of title 37, United States Code, to pay bonuses to persons reenlisting for periods of not less than three years in the Individual Ready Reserve.

97 Stat. 663. 37 USC 308h note.

37 USC 308h. (2) Such section is amended by striking out the period at the end of subsection (b) and inserting in lieu thereof "and shall be paid in equal annual increments.".

98 STAT. 2532

10 USC 261 note. (g) This section does not apply to the Coast Guard.

PRECEDENCE OF AWARD OF PURPLE HEART

SEC. 553. (a) Chapter 57 of title 10, United States Code, is amended by adding at the end thereof the following new section:

Regulations. 10 USC 1127.

"§ 1127. Precedence of the award of the Purple Heart

"In prescribing regulations establishing the order of precedence of awards and decorations authorized to be displayed on the uniforms of members of the armed forces, the Secretary of the military department concerned shall accord the Purple Heart a position of precedence, in relation to other awards and decorations authorized to be displayed, not lower than that immediately following the lowest position accorded any award or decoration for valor.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:
"1127. Precedence of the award of the Purple Heart.".

STUDY OF MILITARY REGULATIONS WITH REGARD TO RELIGIOUS PRACTICES

SEC. 554. (a) In order to promote the free expression of religion by members of the Armed Forces to the greatest extent possible consistent with the requirements of military discipline, the Secretary of Defense shall form a study group to examine ways to minimize the potential conflict between the interests of members of the Armed Forces in abiding by their religious tenets and the military interest in maintaining discipline.

(b) The study group shall consist of eight members appointed by the Secretary of Defense, of whom—

(1) one shall be appointed from members of each of the four Armed Forces under the jurisdiction of the Secretary of Defense upon the recommendation of the respective Secretaries of the military departments;

(2) three shall be appointed upon the recommendation of the Armed Forces Chaplain Board; and

(3) one shall be appointed upon the recommendation of the Assistant Secretary of Defense for Manpower, Installations, and Logistics.

The Secretary of Defense shall designate one of the members to serve as chairman of the study group.

(c) In carrying out its functions under subsection (a), the study group shall make the maximum effort to ascertain the views of the broadest spectrum of religious organizations and to use the research and intellectual resources of specialists outside the Government through receipt of written or oral presentations to the study group.

Report.

(d) Not later than February 1, 1985, the study group shall submit to the Secretary of Defense a report containing its findings and recommendations. Not later than 20 days after receiving that report, the Secretary of Defense shall submit to Congress a copy of the report, together with the Secretary's comments on the report, and shall issue appropriate implementing policy to the Secretaries of the military departments. Such implementing policy shall require that any change in regulations required by reason of that implementing policy be issued by the Secretaries of the military departments not later than 30 days after the date of the issuance of that implementing policy.

98 STAT. 2533

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—BASIC PAY AND ALLOWANCES

MILITARY PAY RAISE FOR FISCAL YEAR 1985

37 USC 1009 note.

SEC. 601. (a) Any adjustment required by section 1009 of title 37, United States Code, in elements of the compensation of members of the uniformed services to become effective during fiscal year 1985 shall not be made.

Effective date.

(b)(1) Except as provided in paragraph (2), the rates of basic pay and basic allowances for subsistence for members of the uniformed services are increased by 4 percent effective on January 1, 1985.

(2) The increase in rates of basic pay and basic allowances for subsistence provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

BASIC ALLOWANCE FOR QUARTERS AND VARIABLE HOUSING ALLOWANCE

Effective date.
37 USC 403 note.

SEC. 602. (a)(1) Effective on January 1, 1985, the rates of the basic allowance for quarters authorized by section 403(a)(1) of title 37, United States Code, are as follows:

"Pay Grade	Without Dependents		
	Full Rate	Partial Rate[1]	With Dependents
Commissioned officers:			
O-10	$537.30	$50.70	$660.90
O-9	537.30	50.70	660.90
O-8	537.30	50.70	660.90
O-7	537.30	50.70	660.90
O-6	493.20	39.60	599.40
O-5	465.30	33.00	552.30
O-4	426.60	26.70	504.90
O-3	345.30	22.20	420.90
O-2	278.10	17.70	360.90
O-1	238.50	13.20	323.70
Warrant officers:			
W-4	391.20	25.20	453.90
W-3	330.30	20.70	405.90
W-2	297.00	15.90	379.50
W-1	251.40	13.80	330.90
Enlisted members:			
E-9	315.30	18.60	429.90
E-8	292.20	15.30	400.50
E-7	249.30	12.00	372.60
E-6	221.40	9.90	337.80
E-5	204.90	8.70	300.30
E-4	177.60	8.10	259.50
E-3	172.50	7.80	238.50
E-2	146.40	7.20	238.50
E-1	133.50	6.90	238.50".

"[1] Payable to a member without dependents who under section 403 (b) or (c) of title 37, United States Code, is not entitled to receive a basic allowance for quarters.".

98 STAT. 2534

(2) During the period beginning on January 1, 1985, and ending on the date on which any change is made by law in any of the rates of basic allowance for quarters for members of the uniformed services prescribed in paragraph (1), the rate of the basic allowance for quarters authorized by section 403(a)(1) of title 37, United States Code, which is payable to a member of the uniformed services who is entitled to that allowance on or after January 1, 1985, and before the date of any such change and who was entitled to that allowance on December 31, 1984, shall not be less than the rate of the basic allowance for quarters that was in effect for that member on December 31, 1984 (unless the member holds a lower grade than he held on that date or has had a change in dependent status from a "with dependents" status to a "without dependents" status).

Prohibition.

(b)(1) During the period beginning on October 1, 1984, and ending on January 1, 1985, the Secretary of a military department may not pay a variable housing allowance under section 403(a)(2) of title 37, United States Code, except in accordance with the limitations on such payments applicable during fiscal year 1984 under the provisions of sections 786 and 792 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

97 Stat. 1453, 1454.
97 Stat. 637.
37 USC 403 note.

(2) Section 906 of the Department of Defense Authorization Act, 1984 (Public Law 98-94), is amended by striking out "fiscal year 1984" and inserting in lieu thereof "the period beginning on October 1, 1983, and ending on January 1, 1985".

(c)(1) Subsection (a) of section 403 of title 37, United States Code, is amended by striking out "(1)" after "(a)" and by striking out paragraph (2).

(2) The heading of such section is amended to read as follows:

"§ 403. Basic allowance for quarters".

(d)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

37 USC 403a note.

"§ 403a. Variable housing allowance

"(a)(1) Except as provided in subsection (b) of this section, a member of a uniformed service entitled to basic allowance for quarters is entitled to a variable housing allowance under this section whenever assigned to duty in an area of the United States which is a high housing cost area with respect to that member. A member with dependents who is assigned to an unaccompanied tour of duty outside the United States is entitled to a variable housing allowance while serving that tour of duty for any period during which the member's dependents reside in an area of the United States where, if the member were assigned to duty in that area, the member would be entitled to receive a variable housing allowance.

"(2) In the case of a member with dependents—

"(A) who is assigned to duty inside the United States the location or the circumstances of which make it necessary that his dependents reside at another location; and

"(B) whose dependents reside in an area of the United States where, if the member were assigned to duty in that area, the member would be entitled to receive a variable housing allowance at a rate other than the rate to which the member is entitled (if at all) in the area of his duty assignment,

the member may be paid a variable housing allowance as if he were assigned to duty in the area in which his dependents reside if the Secretary concerned determines (under regulations prescribed under subsection (e) of this section) that it would be inequitable to base the member's entitlement to, and amount of, variable housing allowance on the area to which the member is assigned.

98 STAT. 2535

"(3) In the case of a member with dependents—

"(A) who is assigned to an unaccompanied tour of duty in Alaska or Hawaii; and

"(B) who would, if his duty station were outside the United States, be entitled to a family separation allowance under section 427(a) of this title,

37 USC 427.

the member may be paid a variable housing allowance at the rate applicable to a member without dependents serving in the same grade and at the same location. Payment of a variable housing allowance under this paragraph shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.

"(b) A member of a uniformed service is not entitled to a variable housing allowance—

"(1) in the case of a member who makes a change in permanent duty station, for the number of days that travel is authorized between permanent duty stations (under regulations prescribed under subsection (e) of this section);

"(2) in the case of a member with dependents, if the member (A) is assigned to unaccompanied personnel housing of the United States (or an unaccompanied personnel housing facility under the jurisdiction of a uniformed service) appropriate to his grade, rank, or rating and adequate for himself, and (B) is authorized the basic allowance for quarters at the rate established for a member with dependents solely by reason of a court order requiring the member to pay support for dependents; or

"(3) in the case of a member of a reserve component, while on active duty under a call or order to active duty specifying a period of less than 140 days.

"(c)(1) The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is the difference between (A) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member, and (B) 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade as that member.

"(2) The rates of variable housing allowance shall be reduced as necessary to comply with subsection (d) of this section.

Effective date.

"(3) The effective date of any adjustment in rates of variable housing allowance because of a redetermination of median monthly costs of housing under this subsection shall be the same as the effective date of the next increase after such redetermination in the basic allowances for quarters.

"(4) For the purposes of this section, an area shall be considered to be a high housing cost area with respect to a member of a uniformed service whenever the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade as that member exceeds 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade as that member.

98 STAT. 2536

"(5) Any reduction required under paragraph (2) of this subsection and any determination of median monthly costs of housing under this subsection shall be made under regulations prescribed under subsection (e) of this section.

"(d)(1) The total amount that may be paid for a fiscal year for the variable housing allowance authorized members of the uniformed services by this section is the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year (as adjusted under paragraph (3) of this subsection); and

"(B) a fraction—

"(i) the numerator of which is the military housing cost index for October of the preceding fiscal year; and

"(ii) the denominator of which is the military housing cost index for October of the fiscal year before the preceding fiscal year.

"(2) The military housing cost index is the housing component of the Consumer Price Index (as determined by the Bureau of Labor Statistics of the Department of Labor), as adjusted under regulations prescribed under subsection (e) of this section. Such regulations may assign weights to the elements of that housing component other than those assigned by the Secretary of Labor in order more appropriately to reflect the distribution of elements of housing costs of members of the uniformed services.

"(3) In making a determination under paragraph (1) of this subsection for a fiscal year, the amount authorized to be paid for the preceding fiscal year for the variable housing allowance shall be adjusted to reflect changes during the year for which the determination is made in the number, grade distribution, and dependency status of members of the uniformed services entitled to variable housing allowance from the number of such members during the preceding fiscal year. Adjustments under this paragraph shall be made in accordance with regulations prescribed under subsection (e) of this section.

"(e) The President may prescribe regulations for the administration of this section.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 403 and inserting in lieu thereof the following:

"403. Basic allowance for quarters.
"403a. Variable housing allowance.".

(3) Section 7572(b)(1)(B) of title 10, United States Code, is amended by striking out "section 403" and inserting in lieu thereof "section 403a".

(e) Section 405 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "Without regard to";

(2) by designating the third sentence as subsection (b) and by inserting "for a member who is on duty outside of the United States" in such sentence after "under this section";

(3) by inserting after such sentence the following new sentence: "A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska."; and

(4) by designating the last sentence as subsection (c).

Effective date. 37 USC 403a note.

(f)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 1985.

(2) A member who on December 31, 1984, is assigned to a permanent duty station in Alaska or Hawaii and is entitled on that date to a station housing allowance under section 405 of title 37, United States Code, shall, until he departs that station as a result of a permanent change of duty station, be entitled to receive that allowance as if the amendment made by subsection (d) had not been enacted and shall not be entitled to a variable housing allowance under section 403a of this title (as added by subsection (c)).

Ante, p. 2536.

Ante, p. 2534.

(3) For the period beginning on January 1, 1985, and ending on September 30, 1985, the limitation applicable under subsection (d)(1) of section 403a of title 37, United States Code (as added by subsection (d)), on the total amount that may be paid during a fiscal year for the variable housing allowance authorized members of the uniformed services by that section shall be 15 percent of the median annual costs of housing in the United States for members of the uniformed services as measured during fiscal year 1984. In determining for the purposes of clause (A) of such subsection the total amount authorized to be paid for such allowance for fiscal year 1985, such amount shall be determined as if the amendments made by this section took effect on October 1, 1984.

Effective date.

REIMBURSEMENT FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 603. (a) Section 7572(b)(3) of title 10, United States Code, is amended—

97 Stat. 640.

(1) by striking out "and" after "fiscal year 1983,"; and

(2) by inserting ", and $1,421,000 for fiscal year 1985" after "fiscal year 1984".

(b) Section 3 of Public Law 96-357 (10 U.S.C. 7572 note) is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985".

97 Stat. 640.

CLARIFICATION OF AUTHORITY TO DENY CERTAIN MEMBERS WITHOUT DEPENDENTS RIGHT TO ELECT TO RECEIVE BASIC ALLOWANCE FOR QUARTERS RATHER THAN OCCUPY MILITARY QUARTERS

SEC. 604. (a) Section 403(j)(2) of title 37, United States Code, is amended by striking out "military discipline" and inserting in lieu thereof "a training mission, military discipline,".

(b) The amendment made by subsection (a) shall apply only with respect to members making an election under section 403(b) of title 37, United States Code, after September 30, 1984.

Effective date. 37 USC 403 note.

COMMUTATION OF RATIONS FOR RESERVISTS ON INACTIVE DUTY TRAINING WHO ARE UNABLE TO OBTAIN RATIONS IN KIND

SEC. 605. Effective on October 1, 1984, section 402(b) of title 37, United States Code, is amended by adding at the end thereof the following new sentence: "The Secretary concerned may provide an enlisted member who could be provided rations in kind under the preceding sentence with a commutation when rations in kind are not available.".

Effective date.

FORFEITURE OF ACCRUED LEAVE BY CERTAIN MEMBERS WHO SERVE ON ACTIVE DUTY LESS THAN SIX MONTHS

98 STAT. 2538

SEC. 606. (a) Section 501(e) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary concerned may require that a member of a uniformed service who is discharged before completing six months of active duty because of a failure to serve satisfactorily (as determined by the Secretary concerned) forfeit all accrued leave to his credit at the time of his discharge.".

Effective date. 37 USC 501 note.

(b) The amendments made by subsection (a) shall apply in the case of members of the uniformed service (as defined in section 101(3) of title 37, United States Code) who enlist or are commissioned on or after the date of the enactment of this Act.

DENIAL OF CREDIT FOR TIME SPENT IN A DELAYED ENLISTMENT PROGRAM FOR PURPOSES OF COMPUTATION OF BASIC PAY

SEC. 607. (a) Section 205 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

10 USC 511.

"(e) Notwithstanding subsection (a) of this section, a period served by a member of a uniformed service in a reserve component under an enlistment under section 511 of title 10 before the member—

"(1) begins service on active duty under subsection (b) of that section, or

"(2) begins an initial period of active duty for training under subsection (d) of that section,

may not be counted under this section.".

Effective date. 37 USC 205 note.

(b) The amendment made by subsection (a) shall apply to persons who enlist under section 511 of title 10, United States Code, on or after the first day of the third calendar month which begins after the date of the enactment of this Act.

PART B—TRAVEL AND TRANSPORTATION

EMERGENCY MEDICAL TRANSPORTATION FOR DEPENDENTS OF MEMBERS STATIONED IN ALASKA OR HAWAII

SEC. 611. Effective on October 1, 1984, section 1040(a) of title 10, United States Code, is amended by inserting "or in Alaska or Hawaii" after "outside the United States".

TRANSPORTATION INCIDENT TO EMERGENCY LEAVE FOR MEMBERS WHOSE RESIDENCES ARE IN POSSESSIONS OF THE UNITED STATES

SEC. 612. (a)(1) Section 411d of title 37, United States Code, is amended to read as follows:

"§ 411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents

"(a) Under uniform regulations prescribed by the Secretaries concerned, transportation in accordance with subsection (b) of this section may be provided for a member of a uniformed service and for dependents of that member authorized to reside at the member's duty station (or authorized to reside at another location and receive a station allowance) incident to emergency leave granted for reasons of a personal emergency (or in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member).

98 STAT. 2539

"(b)(1) In the case of a member stationed outside the continental United States and the dependents of such a member, transportation under this section may be provided from the international airport nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest the member's permanent duty station (and if the member's dependents reside at another overseas location and receive a station allowance, from that location)—

"(A) to the international airport in the continental United States closest to the international airport from which the member and his dependents departed; or

"(B) to an airport in Alaska, Hawaii, the Commonwealth of Puerto Rico, any possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

"(2) In the case of a member whose domicile is outside the continental United States and who is stationed in the continental United States and the dependents of such a member, transportation under this section may be provided from the international airport in the continental United States nearest the location of the member and dependents at the time notification of the personal emergency is received or the international airport nearest the member's permanent duty station to an international airport in Alaska, Hawaii, the Commonwealth of Puerto Rico, a possession of the United States, or any other location outside the continental United States, as determined by the Secretary concerned.

"(3) In the case of a member stationed outside the continental United States whose dependents reside in the continental United States, transportation under this section may be provided for the member as described in paragraph (1) of this subsection and for the dependents as described in paragraph (2) of this subsection.

"(4) Whenever transportation is provided under this section, return transportation may be provided to the international airport from which the member or dependent departed or the international airport nearest the member's duty station.

"(c) Transportation under this section may be authorized only upon a determination that, considering the nature of the personal emergency involved, Government transportation is not reasonably available. The cost of transportation authorized under this section for a member, or the dependents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b) of this section.

"(d) In this section, 'continental United States' means the 48 contiguous States and the District of Columbia.".

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.".

(b) The amendment made by subsection (a)(1) shall apply with respect to transportation begun after September 30, 1984.

Effective date.
37 USC 411d note.

TRAVEL PAY FOR CERTAIN RESERVE COMPONENT INSTRUCTORS

SEC. 613. (a) Section 404(a) of title 37, United States Code, is amended—

(1) by striking out "and" at the end of clause (3);

98 STAT. 2540

(2) by striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(5) when not on active duty, if assigned to a Reserve school, and attending a reserve training meeting for the purpose of performing duties as an instructor at such meeting, if such meeting is 100 or more miles from the site at which the member would attend paid drills of the Reserve school to which he is assigned.".

(b) The amendments made by subsection (a) shall apply with respect to travel performed after September 30, 1984.

Effective date.
37 USC 404 note.

TRANSPORTATION BETWEEN RESIDENCE AND PLACE OF WORK FOR SENIOR DEFENSE OFFICIALS

SEC. 614. (a) Chapter 157 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2637. **"§ 2637. Transportation between residence and place of work for senior defense officials**

"Passenger motor vehicles of the United States may be used to provide transportation between the residences and places of work or employment of the Deputy Secretary of Defense, the Under Secretaries of Defense, and the members of the Joint Chiefs of Staff.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2637. Transportation between residence and place of work for senior defense officials.".

PART C—SPECIAL AND INCENTIVE PAYS

EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR ACTIVE FORCES

97 Stat. 55. SEC. 621. (a) Sections 308(g), 308a(c), and 308f(c) of title 37, United States Code, are amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1987".

37 USC 308. (b) Section 308 of such title is amended—

(1) by striking out "$20,000" in subsection (a)(1) and inserting in lieu thereof "$30,000"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end thereof the following:

"(2) Of the bonuses paid under this section to members of a uniformed service during a fiscal year, not more than 10 percent may exceed $20,000.".

EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

SEC. 622. (a) Effective on October 1, 1984, section 301b of title 37, United States Code, is amended—

(1) by striking out paragraph (2) of subsection (e) and inserting in lieu thereof the following:

"(2) During the period beginning on October 1, 1984, and ending on September 30, 1985, only agreements executed by officers of the
98 STAT. 2541 Navy may be accepted under this section."; and

(2) by striking out "September 30, 1984" in subsections (e)(3) and (f) and inserting in lieu thereof "September 30, 1985".

Report. **(b) Not later than February 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report on the adequacy of the incentive pay for aviation career officers provided for in section 301a of title 37, United States Code, to meet the recruiting and retention needs of each of the Armed Forces and on the relationship, if any, between that incentive pay and the special pay for certain Navy**
Ante, p. 2540. **pilots provided for in section 301b of such title, as amended by subsection (a) of this section. The Secretary shall include in the report such recommendations for legislation regarding aviation career incentive and special pay as the Secretary considers appropriate.**

SPECIAL PAY FOR SEA DUTY AND SPECIAL SKILLS FOR ENLISTED MEMBERS

SEC. 623. (a) The table relating to rates of special pay for enlisted members in section 305a(b) of title 37, United States Code, is amended to read as follows:

"ENLISTED MEMBERS

"Pay grade	Years of sea duty																
	1 or Less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18
E-4	$50	$60	$125	$160	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175
E-5	60	70	140	175	185	190	205	220	220	220	220	220	220	220	220	220	220
E-6	125	135	170	190	210	215	225	235	245	255	265	265	280	295	310	325	340
E-7	135	145	215	235	255	260	265	265	270	275	280	300	310	330	350	370	390
E-8	165	180	225	255	265	270	280	285	290	300	310	310	320	340	360	380	400
E-9	175	195	235	265	280	290	310	310	310	310	320	330	350	370	390	410	410".

(b)(1) Section 307 of such title is amended to read as follows: 37 USC 307.

"§ 307. Special pay: special duty assignment pay for enlisted members

"(a) An enlisted member who is entitled to basic pay and is performing duties which have been designated under subsection (b) of this section as extremely difficult or as involving an unusual degree of responsibility in a military skill may, in addition to other pay or allowances to which he is entitled, be paid special duty assignment pay at a monthly rate not to exceed $275.

98 STAT. 2542

"(b) The Secretary concerned shall determine which enlisted members under his jurisdiction are to be paid special duty assignment pay under subsection (a) of this section. He shall also designate those skills within each armed force under his jurisdiction for which special duty assignment pay is authorized and shall prescribe the criteria under which members of that armed force are eligible for special duty assignment pay in each skill. He may increase, decrease, or abolish such pay for any skill.

"(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.". Regulations.

(2) The item relating to such section 307 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"307. Special pay: special duty assignment pay for enlisted members.".

(3) A member of the uniformed services who, on September 30, 1984, was entitled to special pay under section 307 of title 37, United States Code, as in effect on such date, may continue to be paid the special pay authorized by such section as though the amendments made by this subsection had not been made. However, a member may not be paid the special pay authorized by such section as in

37 USC 307 note.
Ante, p. 2541.
Prohibition.

effect on September 30, 1984, and the special pay authorized by such section as amended by this section.

Effective date. 37 USC 305a note.

(c) The amendments made by this section shall take effect on October 1, 1984.

ELIMINATION OF CERTAIN CATEGORIES OF INCENTIVE PAY FOR HAZARDOUS DUTY

SEC. 624. (a) Section 301 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out clauses (3) and (5) and redesignating clause (4) as clause (3) and clauses (6) through (13) as clauses (4) through (11), respectively;

(2) in subsection (c)(1), by striking out "(10), (11), or (12)" and inserting in lieu thereof "or (10),"; and

(3) in subsection (c)(2), by striking out "(13)" and inserting in lieu thereof "(11)".

37 USC 301 note.

Supra.

(b) A member of the uniformed services who is entitled on the day before the date of the enactment of this Act to receive incentive pay under section 301(a)(5) (for the performance of duty involving intimate contact with persons afflicted with leprosy) shall continue to be entitled to such pay under such section as in effect on that day so long as the member continues (without a break) to be assigned to perform such duties on and after that day.

PART D—HEALTH CARE MATTERS

EXTENSION OF MEDICAL AND DENTAL CARE FOR RESERVES AND NATIONAL GUARD

SEC. 631. (a)(1) Section 1074a of title 10, United States Code, is amended to read as follows:

98 STAT. 2543

"§ 1074a. Medical and dental care: members on duty other than active duty; injuries, diseases and illnesses incident to duty

"(a) Under joint regulations prescribed by the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services, the following persons are entitled to the benefits described in subsection (b):

"(1) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on active duty for a period of 30 days or less, or while traveling to or from that duty.

"(2) Each member of the National Guard who contracts a disease or becomes ill in line of duty while on full-time National Guard duty, or while traveling to or from that duty.

"(3) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on inactive duty training under circumstances in which it is determined that the disease or illness was contracted or aggravated as an incident of that inactive duty training.

"(4) Each member of a uniformed service who incurs or aggravates an injury while traveling directly to or from the place at which he is to perform, or has performed, inactive duty training, unless the injury is incurred or aggravated as a result of the member's own gross negligence or misconduct.

"(b) A person described in subsection (a) is entitled to—

"(1) the medical and dental care appropriate for the treatment of his injury, disease, or illness until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization.".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1074a. Medical and dental care: members on duty other than active duty; injuries, diseases, and illnesses incident to duty.".

(b) Section 6148 of such title, relating to certain benefits of members of the Naval Reserve and Marine Corps Reserve, is amended by striking out subsection (d). 10 USC 6148.

(c) The amendments made by this section shall apply only with respect to injuries incurred or aggravated and diseases or illnesses contracted or aggravated after September 30, 1984. 10 USC 1074a note.

ENHANCED BENEFITS COVERAGE UNDER CHAMPUS

SEC. 632. (a)(1) Section 1079(a) of title 10, United States Code, is amended by striking out clause (3) and inserting in lieu thereof the following:

"(3) not more than one eye examination may be provided to a patient in any calendar year;".

(2) Section 1086(a) of such title is amended by adding at the end thereof the following new sentence: "However, eye examinations may not be provided under such plans for persons covered by subsection (c).". 10 USC 1086.

(3) The amendments made by this subsection shall apply only to health care furnished after September 30, 1984. 10 USC 1079 note.

(b) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects under section 1092 of title 10, United States Code, for the purpose of evaluating the cost-effectiveness of chiropractic care. In the conduct of such demonstration projects, chiropractic care (including manual manipulation of the spine and other routine chiropractic procedures authorized under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services and not otherwise prohibited by law) may be provided as appropriate under chapter 55 of title 10, United States Code. 10 USC 1092 note. 97 Stat. 650. 98 STAT. 2544 10 USC 1071 *et seq.*

AUTHORITY TO PROVIDE DENTAL CARE TO CERTAIN DEPENDENTS IN FACILITIES OF THE UNIFORMED SERVICES

SEC. 633. (a) Section 1077(a) of title 10, United States Code, is amended—

(1) by striking out clauses (10), (11), and (12) and inserting in lieu thereof the following:

"(10) Dental care."; and

(2) by redesignating clauses (13) and (14) as clauses (11) and (12), respectively.

(b) The amendments made by subsection (a) shall take effect on July 1, 1985. Effective date. 10 USC 1077 note.

STUDY OF USE BY CHAMPUS OF MEDICARE PROSPECTIVE PAYMENT SYSTEM

SEC. 634. (a) The Congress finds that—

(1) costs of providing medical care under the program administered by the Department of Defense known as the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) have escalated rapidly in recent years;

(2) new and innovative methods for control and containment of costs under the CHAMPUS program must be explored; and

(3) the adoption for the CHAMPUS program of a prospective payment system for inpatient hospital services like that used by Department of Health and Human Services under titie XVIII of the Social Security Act for the Medicare program could provide significant savings for the CHAMPUS program. 42 USC 1395.

(b) The Secretary of Defense and the Secretary of Health and Human Services shall jointly study the possible effects of the adoption for the CHAMPUS program of a prospective payment system for inpatient hospital services such as that used by the Department of Health and Human Service for the Medicare program. The study shall address—

(1) the advisability and feasibility of requiring by law that a hospital participate in the CHAMPUS program as a condition of participating in Medicare and whether such a requirement is needed in order to ensure adequate participation by hospitals in the CHAMPUS program if a prospective payment system were to be adopted for the CHAMPUS program; and

(2) the changes that might be expected if such a system were adopted in the CHAMPUS patient workload and the CHAMPUS aggregate payment levels to various segments of the provider community (including private, public, non-profit, and teaching facilities).

Report.

(c) Not later than February 28, 1985, the Secretaries shall submit a report to the Committees on Armed Services and Finance of the Senate and the Committees on Armed Services and Ways and Means of the House of Representatives of their findings under the study under subsection (b). The report shall include—

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(1) such recommendations for changes in the CHAMPUS system of reimbursement as the Secretaries consider appropriate; and

(2) the recommendations of the Secretaries on the need for and appropriateness of a requirement by law relating to hospital participation in the CHAMPUS and Medicare programs such as that described in subsection (b)(1).

PART E—BENEFITS FOR SURVIVORS AND FORMER SPOUSES

ELIMINATION OF CERTAIN SOCIAL SECURITY OFFSETS FROM THE SURVIVOR BENEFIT PLAN

SEC. 641. (a) Section 1451(a)(3) of title 10, United States Code, is amended—

(1) by striking out "would be entitled" in the first sentence and inserting in lieu thereof "is entitled"; and

(2) by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "or to the extent that the benefit to which the beneficiary is entitled is based on the beneficiary's own earnings or self-employment.".

Effective date.
10 USC 1451 note.

(b) The amendments made by subsection (a) shall apply only in the case of payments of annuities payable for periods that begin on or after September 30, 1985.

AUTHORITY TO INITIATE PAYMENTS UNDER SURVIVOR ANNUITY PROGRAMS WHEN THE PARTICIPANT IS MISSING

SEC. 642. (a)(1) Section 1437 of title 10, United States Code, is amended—

(A) by striking out "subsection (b)" in subsection (a) and inserting in lieu thereof "subsections (b) and (c),"; and

(B) by adding at the end thereof the following new subsection:

"(c)(1) Upon application of the beneficiary of a member entitled to retired or retainer pay whose retired or retainer pay has been suspended because the member has been determined to be missing, the Secretary concerned may determine for purposes of this subchapter that the member is presumed dead. Any such determination shall be made in accordance with regulations prescribed under section 1444(a) of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a member is presumed dead unless he finds—

10 USC 1444.

"(A) that the member has been missing for at least 30 days; and

"(B) that the circumstances under which the member is missing would lead a reasonably prudent person to conclude that the member is dead.

"(2) Upon a determination under paragraph (1) with respect to a member, an annuity otherwise payable under this subchapter shall be paid as if the member died on the date as of which the retired or retainer pay of the member was suspended.

"(3)(A) If, after a determination under paragraph (1), the Secretary concerned determines that the member is alive, any annuity being paid under this subchapter by reason of this subsection shall be promptly terminated and the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States which (notwithstanding section 144 of this title) may be collected or offset—

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"(i) from any retired or retainer pay otherwise payable to the member;

"(ii) if the member is entitled to compensation under chapter 11 of title 38, from that compensation; or

38 USC 301 *et seq.*

"(iii) if the member is entitled to any other payment from the United States, from that payment.

"(B) If the member dies before the full recovery of the amount of annuity payments described in subparagraph (A) has been made by the United States, the remaining amount of such annuity payments may be collected from the member's beneficiary under this subchapter if that beneficiary was the recipient of the annuity payments made by reason of this subsection.".

(2) Section 1440 of such title is amended by striking out "No" and inserting in lieu thereof "Except as provided in section 1437(c)(3) of this title, no". 10 USC 1440.

(b) Section 1450 of such title is amended— 10 USC 1450.

(1) by striking out "An" in subsection (i) and inserting in lieu thereof "Except as provided in subsection (l), an"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) Upon application of the beneficiary of a participant in the plan whose retired or retainer pay has been suspended on the basis that the participant is missing (or of a participant in the plan who would be eligible for retired pay under chapter 67 of this title but for the fact that he is under 60 years of age and whose retired pay, if he were entitled to retired pay, would be suspended on the basis that he is missing), the Secretary concerned may determine for purposes of this subchapter that the participant is presumed dead. Any such determination shall be made in accordance with regulations prescribed under section 1455 of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a participant is presumed dead unless he finds—

10 USC 1331 *et seq.*

"(A) that the participant has been missing for at least 30 days; and

"(B) that the circumstances under which the participant is missing would lead a reasonably prudent person to conclude that the participant is dead.

"(2) Upon a determination under paragraph (1) with respect to a participant in the Plan, an annuity otherwise payable under the provision of this subchapter shall be paid as if the participant died on the date as of which the retired or retainer pay of the participant was suspended.

"(3)(A) If, after a determination under paragraph (1), the Secretary concerned determines that the participant is alive, any annuity being paid under this subchapter by reason of this subsection shall be terminated and the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States which (notwithstanding subsection (h)) may be collected or offset—

"(i) from any retired or retainer pay otherwise payable to the participant;

"(ii) if the participant is entitled to compensation under chapter 11 of title 38, from that compensation; or

38 USC 301 *et seq.*

"(iii) if the participant is entitled to any other payment from the United States, from that payment.

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"(B) If the participant dies before the full recovery of the amount of annuity payments described in subparagraph (A) has been made by the United States, the remaining amount of such annuity payments may be collected from his beneficiary under the Plan if that beneficiary was the recipient of the annuity payments made by reason of this subsection.".

CLARIFICATION OF AUTHORITY TO ENFORCE CERTAIN COURT ORDERS IN CONNECTION WITH THE PAYMENT OF RETIRED OR RETAINER PAY TO FORMER SPOUSES

SEC. 643. (a) Subsection (a)(2)(C) of section 1408 of title 10, United States Code, is amended by inserting "in the case of a division of property," before "specifically provides for".

(b) Subsection (b)(1)(C) of such section is amended by inserting ", if possible," after "include".

Child support. Alimony.

(c)(1) The first sentence of paragraph (1) of subsection (d) of such section is amended to read as follows: "After effective service on the Secretary concerned of a court order providing for the payment of child support or alimony or, with respect to a division of property, specifically providing for the payment of an amount of the disposable retired or retainer pay from a member to the spouse or a former spouse of the member, the Secretary shall make payments (subject to the limitations of this section) from the disposable retired or retainer pay of the member to the spouse or former spouse in an amount sufficient to satisfy the amount of child support and alimony set forth in the court order and, with respect to a division of property, in the amount of disposable retired or retainer pay specifically provided for in the court order.".

(2) The first sentence of paragraph (5) of such subsection is amended by striking out "disposable retired or retainer pay" the first place it appears and all that follows through "any part" and inserting in lieu thereof "child support or alimony or the payment of an amount of disposable retired or retainer pay as the result of the court's treatment of such pay under subsection (c) as property of the member and his spouse, the Secretary concerned shall pay (subject to the limitations of this section) from the disposable retired or retainer pay of the member to the spouse or former spouse of the member, any part".

(d)(1) Paragraph (2) of subsection (e) of such section is amended by striking out "from the disposable retired or retainer pay of a member, such pay" and inserting in lieu thereof ", the disposable retired or retainer pay of the member".

(2) Paragraph (3)(A) of such subsection is amended—

(A) by striking out "from the disposable retired or retainer pay";

(B) by striking out "the least amount of disposable retired or retainer pay" in clause (i) and inserting in lieu thereof "from the member's disposable retired or retainer pay the least amount"; and

(C) by striking out "of retired or retainer pay" in clause (ii)(I).

(3) The first sentence of paragraph (4)(A) of such subsection is amended—

(A) by striking out "the retired or retainer pay of"; and

(B) by striking out "such court orders and legal process shall

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be satisfied" and inserting in lieu thereof "satisfaction of such court orders and legal process from the retired or retainer pay of the member shall be".

(4) The first sentence of paragraph (5) of such subsection is amended—

(A) by striking out "of disposable retired or retainer pay" both places it appears; and

(B) by striking out "such pay" and inserting in lieu thereof "disposable retired or retainer pay".

(e) The amendments made by this section shall apply with respect to court orders for which effective service (as described in section 1408(b)(1) of title 10, United States Code, as amended by subsection (b) of this section) is made on or after the date of the enactment of this Act.

Effective date.
10 USC 1408 note.

CLARIFICATION OF AUTHORITY TO ELECT FORMER SPOUSES AS BENEFICIARIES UNDER THE SURVIVOR BENEFIT PLAN

SEC. 644. Section 1450(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) If a person described in paragraph (2) or (3) of section 1448(b) of this title enters, incident to a proceeding of divorce, dissolution, or annulment, into a voluntary written agreement to elect under section 1448(b) of this title to provide an annuity to a former spouse and such agreement has been incorporated in or ratified or approved by a court order, and such person then fails or refuses to make such an election, such person shall be deemed to have made such an election if the Secretary concerned receives a written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made and receives a copy of the court order, regular on its face, which incorporates, ratifies, or approves the voluntary written agreement of such person.

"(B) An election may not be deemed to have been made under subparagraph (A) in the case of any person unless the Secretary concerned receives a request from the former spouse of the person before October 1, 1985, or within one year of the date of the court order involved, whichever is later.

"(C) An election deemed to have been made under subparagraph (A) shall become effective on the first day of the first month which begins after the date of the court order involved.".

MISCELLANEOUS RIGHTS AND BENEFITS FOR FORMER SPOUSES

SEC. 645. (a) Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (E);

(2) by striking out the period at the end of clause (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(G) a person who (i) is the unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay, or equivalent pay, and on the date of the final decree of divorce, dissolution, or annulment before April 1, 1985, had been married to the member or former member for a period of at least 20 years, at least 15 of which, but less than 20 of which, were during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay, and (ii) does not have medical coverage under an employer-sponsored health plan.".

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(b) Section 1006(d) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended—

10 USC 1408 note.

(1) by striking out "only if" and inserting in lieu thereof "whether"; and

(2) by striking out "dated on or after" and all that follows through the end of the sentence and inserting in lieu thereof "dated before, on, or after February 1, 1983.".

10 USC 1072 note.
Ante, p. 2548.

(c) A person who would qualify as a dependent under section 1072(2)(G) of title 10 (as added by subsection (a)) but for the fact that the person's final decree of divorce, dissolution, or annulment is dated on or after April 1, 1985, shall be considered to be a dependent under such section during the two-year period beginning on the date of such final decree.

Effective date.
10 USC 1072 note.

(d) The amendments made by subsections (a), (b), and (c) shall be effective on January 1, 1985, and shall apply with respect to health care furnished on or after that date.

Part F—Miscellaneous

LEGAL ASSISTANCE PROGRAMS

Sec. 651. (a) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1044.

"§ 1044. Legal assistance

"(a) Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs to—

"(1) members of the armed forces under his jurisdiction who are on active duty;

"(2) members and former members under his jurisdiction entitled to retired or retainer pay or equivalent pay; and

"(3) dependents of members and former members described in clauses (1) and (2).

"(b) Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title) under the jurisdiction of the Secretary is responsible for the establishment and supervision of legal assistance programs under this section.

"(c) This section does not authorize legal counsel to be provided to represent a member or former member of the armed forces, or the dependent of a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship.

"(d) The Secretary concerned shall define 'dependent' for the purposes of this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1044. Legal assistance.".

LIMITATION ON TRANSPORTATION OF MOTOR VEHICLES THROUGH GUAM

Sec. 652. (a) Regulations of the Department of Defense providing for transportation at Government expense of motor vehicles owned by members of the Armed Forces incident to a permanent change of duty station may not authorize the transportation at Government expense from Guam during any month of more than 100 motor vehicles that are owned by members of the Armed Forces who are making permanent changes of duty station from locations outside the United States (other than in Guam) and who are using Guam as an alternate port of shipment.

Effective date.
Termination date.

(b) Subsection (a) shall apply with respect to the transportation of motor vehicles during the period beginning with the month after the month in which this Act is enacted and ending with September 1985. After that period transportation of motor vehicles from Guam under the circumstances described in subsection (a) may be provided at Government expense only as specifically authorized by law after the date of the enactment of this Act.

Report.

(c) Not later than February 15, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the transportation through Guam of motor vehicles owned by members of the Armed Forces. The report shall include—

Japan.

(1) a description of the nature and extent of the burden imposed on members of the Armed Forces by assignment to Japan because they may not (under Japanese law) take into Japan a motor vehicle not manufactured for use in Japan;

(2) a review of alternative programs that could be provided to alleviate the burden of assignment to Japan described in clause (1), including a review of the existing policy to which the limitation in subsection (a) is applicable under which a member of the Armed Forces making a permanent change of station from Japan may purchase a motor vehicle through Guam; and

(3) an analysis of the impact on Guam (including the economy of Guam) of the termination of such policy.

PERSONAL VEHICLES OF UNITED STATES MILITARY PERSONNEL IN JAPAN

SEC. 653. (a) The Congress finds that—

(1) the Government of Japan does not permit members of the Armed Forces of the United States to take their motor vehicles into Japan for their personal use while assigned to a duty station in Japan unless such vehicles are modified to satisfy certain requirements of the Government of Japan;

(2) as a result of the restriction referred to in clause (1), members of the Armed Forces typically need to sell their personal motor vehicles before departing the United States to report to a duty station in Japan, to purchase vehicles in Japan for personal use while stationed in Japan, to sell such purchased vehicles before departing Japan to return to the United States, and to purchase vehicles in the United States upon the return;

(3) members of the Armed Forces incur a substantial financial burden in connection with the repeated sale and replacement of personal vehicles;

(4) the United States permits members of the Armed Forces of foreign nations to bring unmodified vehicles into the United States for their personal use while assigned to duty stations in the United States; and

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(5) the United States provides a substantial contribution to the defense of Japan and the waters surrounding Japan.

President of U.S. International agreement.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President, acting through the Secretary of Defense and the Secretary of State, should enter into negotiations with the Government of Japan for the purpose of obtaining the agreement of such government not to require the modification of the Personal motor vehicles of members of the Armed Forces of the United States brought into Japan for their personal use while stationed in Japan.

Report.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall transmit to the Congress a written report relating to the matters described in subsection (a). The report shall include—

(1) a description of any negotiations carried out with the Government of Japan; and

(2) a description of the other actions the Government of the United States can reasonably take to obtain an agreement described in subsection (b).

AUTHORITY FOR VOLUNTARY WITHHOLDING OF STATE INCOME TAXES FROM RETIRED AND RETAINER PAY

Ante, p. 2549.

SEC. 654. (a) Chapter 53 of title 10, United States Code, is amended by adding after section 1044 (as added by section 651) the following new section:

10 USC 1045.

"§ 1045. Voluntary withholding of State income tax from retired or retainer pay

"(a) The Secretary concerned shall enter into an agreement under this section with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Secretary concerned shall withhold State income tax from the monthly retired or retainer pay of any member or former member entitled to such pay who voluntarily requests such withholding in writing. The amounts withheld during any calendar quarter shall be retained by the Secretary concerned and disbursed to the States during the month following that calendar quarter.

"(b) A member or former member may request that the State designated for withholding be changed and that the withholdings be remitted in accordance with such change. A member or former member also may revoke any request of such member or former member for withholding. Any request for a change in the State designated and any revocation is effective on the first day of the month after the month in which the request or revocation is processed by the Secretary concerned, but in no event later than on the first day of the second month beginning after the day on which the request or revocation is received by the Secretary concerned.

"(c) A member or former member may have in effect at any time only one request for withholding under this section and may not have more than two such requests in effect during any one calendar year.

"(d)(1) This section does not give the consent of the United States to the application of a statute that imposes more burdensome requirements on the United States than on employers generally or that subjects the United States or any member or former member entitled to retired or retainer pay to a penalty or liability because of this section.

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Prohibition.

"(2) The Secretary concerned may not accept pay from a State for services performed in withholding State income taxes from retired or retainer pay.

"(3) Any amount erroneously withheld from retired or retainer pay and paid to a State by the Secretary concerned shall be repaid by the State in accordance with regulations prescribed by the Secretary concerned.

"(e) In this section:

"(1) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(2) 'Secretary concerned' includes the Secretary of Health and Human Services with respect to the commissioned corps of the Public Health Service and the Secretary of Commerce with respect to the commissioned corps of the National Oceanic and Atmospheric Administration.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1044 (as added by section 651) the following new item:

"1045. Voluntary withholding of State income tax from retired or retainer pay.".

RECOMPUTATION OF RETIRED PAY OF CERTAIN RECALLED RETIREES

10 USC 1402 note.

Sec. 655. (a) Notwithstanding the second sentence of footnote 1 of the table contained in section 1402(a) of title 10, United States Code (relating to recomputation of retired pay to reflect later active duty), in the case of a member of the Armed Forces who—

(1) was voluntarily called or ordered to active duty during the period beginning on October 1, 1963, and ending on September 30, 1971;

(2) was at the time of such call or order entitled to retired pay or retainer pay;

(3) served on such active duty under such call or order for a continuous period of at least two years; and

(4) was released from such active duty before October 1, 1973,

the retired or retainer pay of such member shall be recomputed, as provided in subsection (b), under the rates of basic pay in effect at the time of that release from active duty.

(b) The retired or retainer pay of a member of the Armed Forces described in subsection (a) shall be the amount determined under section 1402(a) of title 10, United States Code (as modified with respect to such member by subsection (a)), and increased by the amount by which the member's retired or retainer pay would have been increased during the period beginning on the date of the member's release from active duty referred to in subsection (a)(4) and ending on the day before the day on which this section becomes effective had subsection (a) applied in the case of the member at the time of that release from active duty.

Effective date.

(c) This section shall apply only with respect to retired pay and retainer pay payable for months beginning after September 30, 1984, or on or after the date of the enactment of this Act, whichever is later.

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DELAY OF EFFECTIVE DATE FOR FEE FOR VETERINARY SERVICES

10 USC 133 note.

SEC. 656. Section 1033 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 672), is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985".

TITLE VII—EDUCATIONAL ASSISTANCE PROGRAMS

Veterans' Educational Assistance Act of 1984.
38 USC 101 note.

SHORT TITLE

SEC. 701. This title may be cited as the "Veterans' Educational Assistance Act of 1984".

NEW EDUCATIONAL ASSISTANCE PROGRAM

SEC. 702. (a)(1) Title 38, United States Code, is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM

"SUBCHAPTER I—PURPOSES; DEFINITIONS

"Sec.
"1401. Purposes.
"1402. Definitions.

"SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

"1411. Basic educational assistance entitlement for service on active duty.
"1412. Basic educational assistance entitlement for service in the Selected Reserve.
"1413. Duration of basic educational assistance.
"1414. Payment of basic educational assistance.
"1415. Amount of basic educational assistance.
"1416. Inservice enrollment in a program of education.

"SUBCHAPTER III—SUPPLEMENTAL EDUCATIONAL ASSISTANCE

"1421. Supplemental educational assistance for additional service.
"1422. Amount of supplemental educational assistance.
"1423. Payment of supplemental educational assistance under this chapter.

"SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

"1431. Time limitation for use of eligibility and entitlement.
"1432. Limitation on educational assistance for certain individuals.
"1433. Bar to duplication of educational assistance benefits.
"1434. Program administration.
"1435. Allocation of administration and of program costs.
"1436. Reporting requirement.

"Subchapter I—Purposes; Definitions

"§ 1401. Purposes

38 USC 1401.

"The purposes of this chapter are—

"(1) to provide a new educational assistance program to assist in the readjustment of members of the Armed Forces to civilian life after their separation from military service;

"(2) to promote and assist the All-Volunteer Force program and the Total Force Concept of the Armed Forces by establishing a new program of educational assistance based upon service on active duty or a combination of service on active duty and in the Selected Reserve (including the National Guard) to aid in the recruitment and retention of highly qualified personnel for both the active and reserve components of the Armed Forces; and

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"(3) to give special emphasis to providing educational assistance benefits to aid in the retention of personnel in the Armed Forces.

38 USC 1402.

"§ 1402. Definitions

"For the purposes of this chapter—

"(1) The term 'basic educational assistance' means educational assistance provided under subchapter II of this chapter.

"(2) The term 'supplemental educational assistance' means educational assistance provided under subchapter III of this chapter.

"(3) The term 'program of education' has the meaning given such term in section 1652(b) of this title.

38 USC 1652.

"(4) The term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components (including the Army National Guard of the United States and the Air National Guard of the United States) of the Armed Forces, as required to be maintained under section 268(b) of title 10.

10 USC 268.

"(5) The term 'Secretary' means the Secretary of Defense with respect to members of the Armed Forces under the jurisdiction of the Secretary of a military department and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(6) The term 'active duty' does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

10 USC 511.

"Subchapter II—Basic Educational Assistance

38 USC 1411.

"§ 1411. Basic educational assistance entitlement for service on active duty

"(a) Except as provided in subsection (c) of this section each individual—

"(1) who—

"(A) during the period beginning on July 1, 1985, and ending on June 30, 1988, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

"(i) who (I) serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose initial period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces; or

"(ii) who serves in the Armed Forces and is discharged or released from active duty (I) for a service-connected disability or for hardship, or (II) for the convenience of the Government, in the case of an individual who completed not less than 20 months of active duty, if the initial obligated period of active duty of the individual was less than three years, or in the case of an individual who completed not less than 30 months of active duty if the initial obligated period of active duty of the individual was at least three years; or

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"(B) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title and without a break in service on active duty since December 31, 1976, and— 38 USC 1651 *et seq.*

"(i) after June 30, 1985, serves at least three years of continuous active duty in the Armed Forces; or

"(ii) after June 30, 1985, is discharged or released from active duty (I) for a service-connected disability or for hardship, or (II) for the convenience of the Government, if the individual completed not less than 30 months of active duty after that date;

"(2) who, before completion of the service described in clause (1) of this subsection, has received a secondary school diploma (or an equivalency certificate); and

"(3) who, after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list;

"(B) continues on active duty; or

"(C) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service;

is entitled to basic educational assistance under this chapter.

"(b) The basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under subsection (c)(1) of this section shall be reduced by $100 for each of the first 12 months that such individual is entitled to such pay. Amounts withheld from basic pay under this subsection shall revert to the Treasury.

"(c)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

"(2) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy or upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section. 10 USC 2107

"§ 1412. Basic educational assistance entitlement for service in the Selected Reserve 38 USC 1412.

"(a) Except as provided in subsection (c) of this section, each individual—

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"(1) who—

"(A) during the period beginning on July 1, 1985, and ending on June 30, 1988, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

"(i) serves at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service; and

"(ii) subject to subsection (b) of this section and after completion of the service on active duty described in subclause (i) of this clause, serves at least four years of continuous duty in the Selected Reserve during which the individual participates satisfactorily in training as required by the Secretary concerned; or

38 USC 1651 *et seq.*

"(B) as of December 31, 1989, is eligible for educational assistance under chapter 34 of this title and without a break in service on active duty since December 31, 1976, and—

"(i) after June 30, 1985, serves at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service; and

"(ii) after June 30, 1985, subject to subsection (b) of this section and after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;

"(2) who, before completion of the service described in clause (1) of this subsection, has received a secondary school diploma (or an equivalency certificate); and

"(3) who, after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, or is transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service; or

"(B) continues on active duty or in the Selected Reserve;

is entitled to basic educational assistance under this chapter.

"(b)(1) The requirement of four years of service under clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section is not applicable to an individual who is discharged or released from service in the Selected Reserve for a service-connected disability, for hardship, or (in the case of an individual discharged or released after three and one-half years of service) for the convenience of the Government.

"(2) Continuity of service of a member in the Selected Reserve for purposes of such clauses shall not be considered to be broken—

"(A) by any period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not able to locate a unit of the Selected Reserve of the member's Armed Force that the member is eligible to join or that has a vacancy; or

"(B) by any other period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

"(c) The basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under subsection (d)(1) of this section shall be reduced by $100 for each of the first 12 months that such individual is entitled to such pay. Amounts withheld from basic pay under this paragraph shall revert to the Treasury.

"(d)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

"(2) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy or upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section.

10 USC 2107.

“§ 1413. Duration of basic educational assistance

38 USC 1413.

“(a)(1) Subject to section 1795 of this title and except as provided in paragraph (2) of this subsection, each individual entitled to basic educational assistance under section 1411 of this title is entitled to 36 months of educational assistance benefits under this chapter (or the equivalent thereof in part-time educational assistance).

Ante, p. 2554.

“(2) In the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title who is not also described in section 1411(a)(1)(A)(i) of this title or an individual described in section 1411(a)(1)(B)(ii)(I) of this title who is not also described in section 1411(a)(1)(B)(i) of this title, the individual is entitled to one month of educational assistance benefits under this chapter for each month of active duty served by such individual.

“(b) Subject to section 1795 of this title and subsection (c) of this section, each individual entitled to basic educational assistance under section 1412 of this title is entitled to (1) one month of educational assistance benefits under this chapter for each month of active duty served by such individual, and (2) one month of educational assistance benefits under this chapter for each four months served by such individual in the Selected Reserve (other than any month in which the individual served on active duty).

Ante, p. 2555.

“(c) No individual may receive basic educational assistance benefits under this chapter for a period in excess of 36 months (or the equivalent thereof in part-time educational assistance).

“§ 1414. Payment of basic educational assistance

38 USC 1414.

“The Administrator shall pay to each individual entitled to basic educational assistance who is pursuing an approved program of education a basic educational assistance allowance to help meet, in part, the expenses of such individual's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

“§ 1415. Amount of basic educational assistance

38 USC 1415.

Post, p. 2561.

“(a) Subject to section 1432 of this title and except as otherwise provided in subsections (b) and (c) of this section, a basic educational assistance allowance under this subchapter shall be paid—

“(1) at the monthly rate of $300 for an approved program of education pursued on a full-time basis; or

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“(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

“(b) In the case of an individual entitled to an educational assistance allowance under section 1411 of this title and whose initial obligated period of active duty is two years, a basic educational assistance allowance under this chapter shall be paid—

Ante, p. 2554.

“(1) at the monthly rate of $250 for an approved program of education pursued on a full-time basis; or

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“(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

Regulations.

“(c) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit, the Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may increase the rate of the basic educational assistance allowance applicable to such individual to such rate in excess of the rate prescribed under subsections (a) and (b) of this section as the Secretary considers appropriate, but the amount of any such increase may not exceed $400 per month.

“(d)(1) Subject to paragraph (2) of this subsection, in the case of an individual who on December 31, 1989, was entitled to educational assistance under chapter 34 of this title, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such

38 USC 1651 *et seq.*

individual under such chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.

"(2) The number of months for which the rate of the basic educational assistance allowance applicable to an individual is increased under paragraph (1) of this subsection may not exceed the number of months of entitlement to educational assistance under chapter 34 of this title that the individual had remaining on December 31, 1989.

38 USC 1416.

"§ 1416. Inservice enrollment in a program of education

Ante, p. 2555.
Ante, p. 2554.

"A member of the Armed Forces who has completed at least two years of service on active duty after June 30, 1985, has continued on active duty or in the Selected Reserve without a break in service (except as described in section 1412(b)(2) of this title), and who but for section 1411(a)(1) or 1412(a)(1) of this title would be eligible for basic educational assistance may receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 1411(a)(1) or 1412(a)(1) of this title.

"Subchapter III—Supplemental Educational Assistance

38 USC 1421.

"§ 1421. Supplemental educational assistance for additional service

Regulations.

"(a) The Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may provide for the payment of supplemental educational assistance under this subchapter to any individual eligible for basic educational assistance under section 1411 of this title who—

"(1) serves five or more consecutive years of active duty in the Armed Forces in addition to the years of active duty counted under section 1411(a)(1) of this title without a break in such service; and

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"(2) after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list;

"(B) continues on active duty without a break in service; or

"(C) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

Regulations.

Ante, p. 2555.

"(b) The Secretary concerned, pursuant to regulations to be prescribed by the Secretary, may provide for the payment of supplemental educational assistance under this subchapter to any individual eligible for basic educational assistance under section 1412 of this title who—

"(1) serves two or more consecutive years of active duty in the Armed Forces in addition to the years of active duty counted under section 1412(a)(1) of this title and four or more consecutive years of duty in the Selected Reserve in addition to the years of duty in the Selected Reserve counted under such section without a break in service; and

"(2) after completion of the service described in clause (1) of this subsection—

"(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or

"(B) continues on active duty or in the Selected Reserve

"(c) Continuity of service of a member in the Selected Reserve for purposes of subsection (b)(1) of this section shall not be considered to be broken—

"(1) by any period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not able to locate a unit of the Selected Reserve of his Armed Force that the member is eligible to join or that has a vacancy; or

"(2) by any other period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

"(d) A period of active duty or duty in the Selected Reserve that occurs before the period of duty by which the individual concerned qualifies for basic educational assistance may not be counted for purposes of this section.

"§ 1422. Amount of supplemental educational assistance

38 USC 1422.

"(a) Subject to section 1432 of this title and except as otherwise provided under subsection (b) of this section, supplemental educational assistance under section 1421 of this title shall be paid— *Post*, p. 2561. *Ante*, p. 2558.

"(1) at a monthly rate of $300 for an approved program of education pursued on a full-time basis; or

"(2) at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(b) In the case of a member of the Armed Forces for whom the Secretary concerned has provided for the payment of supplemental educational assistance who has a skill or specialty designated by the Secretary concerned, pursuant to regulations to be prescribed by the Secretary, as a skill or specialty in which there is a critical shortage of personnel, the Secretary concerned, pursuant to such regulations, may increase the rate of the supplemental educational assistance allowance applicable to such individual to such rate in excess of the rate prescribed under subsection (a) of this section as the Secretary concerned considers appropriate, but the amount of any such increase may not exceed $300 per month. Regulations.

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"§ 1423. Payment of supplemental educational assistance under this subchapter

38 USC 1423.

"The Administrator shall increase the monthly basic educational assistance allowance paid to an individual who is entitled to supplemental educational assistance under this subchapter by the monthly amount of the supplemental educational assistance to which the individual is entitled.

"Subchapter IV—Time Limitation for Use of Eligibility and Entitlement; General and Administrative Provisions

"§ 1431. Time limitation for use of eligibility and entitlement

"(a) Except as provided in subsections (b) through (d) of this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 10-year period beginning on (1) the date of such individual's last discharge or release from active duty, or (2) the last day on which such individual becomes entitled to such assistance, whichever is later. 38 USC 1431.

"(b) In the case of any eligible individual who has been prevented, as determined by the Administrator, from pursuing a program of education under subchapter II or III of this chapter within the 10-year period prescribed by subsection (a) of this section because such individual had not met the nature of discharge requirement of such subchapter before (1) the nature of such individual's discharge or release was changed by appropriate authority, or (2) with respect to educational assistance under subchapter II of this chapter, the Administrator determined, under regulations prescribed by the Administrator, that such discharge or release was under conditions

Ante, pp. 2554, 2555. described in section 1411(a)(3) or 1412(a)(3) of this title, such 10-year period shall not run during the period of time that such individual was so prevented from pursuing such program of education.

"(c) In the case of an individual eligible for educational assistance under the provisions of this chapter who, after such individual's last discharge or release from active duty, was detained by a foreign government or power, the 10-year period described in subsection (a) of this section shall not run (1) while such individual is so detained, or (2) during any period immediately following such individual's release from such detention during which such individual is hospitalized at a military, civilian, or Veterans' Administration medical facility.

"(d) In the case of an individual eligible for educational assistance under this chapter—

"(1) who was prevented from pursuing such individual's chosen program of education before the expiration of the 10-year period for use of entitlement under this chapter otherwise applicable under this section because of a physical or mental disability which was not the result of the individual's own willful misconduct, and

Regulations.

"(2) who applies for an extension of such 10-year period within one year after (A) the last day of such period, or (B) the

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last day on which such individual was so prevented from pursuing such program, whichever is later,

such 10-year period shall not run with respect to such individual during the period of time that such individual was so prevented from pursuing such program and such 10-year period will again begin running on the first day following such individual's recovery from such disability on which it is reasonably feasible, as determined under regulations which the Administrator shall prescribe, for such individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(e)(1) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under this section, expire during a quarter or semester, such period shall be extended to the end of such quarter or semester.

"(2) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under this section, expire after a major portion of the course is completed, such period shall be extended to the end of the course or for 12 weeks, whichever is the lesser period of extension.

38 USC 1432.

"1432. Limitation on educational assistance for certain individuals

"(a) In the case of an individual entitled to educational assistance under this chapter who is pursuing a program of education—

"(1) while on active duty; or

"(2) on less than a half-time basis,

the amount of the monthly educational assistance allowance payable to such individual under this chapter is the amount determined under subsection (b) of this section.

"(b) The amount of the educational assistance allowance payable to an individual described in subsection (a) of this section is the lesser of (1) the amount of the educational assistance allowance otherwise payable to such individual under this chapter, or (2) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay.

38 USC 1433

"§ 1433. Bar to duplication of educational assistance benefits

"(a)(1) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 31, 34, or 35 of this title or under chapter 106 or 107 of title 10 may not receive assistance under both programs concurrently but shall elect (in such form and manner as the Administrator may prescribe) under which program to receive educational assistance.

38 USC 1500 *et seq.*; 1651 *et seq.*; 1700 *et seq.*; *post*, p. 2564; 10 USC 2141 *et seq.*

"(2) An individual entitled to educational assistance under chapter 34 of this title may not receive assistance under this chapter before January 1, 1990.

38 USC 1651 *et seq.*

"(b) A period of service counted for purposes of repayment under section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), of an education loan may not also be counted for purposes of entitlement to educational assistance under this chapter.

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"(c) An individual who is entitled to educational assistance under chapter 106 of title 10 may not also receive educational assistance under this chapter based on entitlement under section 1412 of this title.

Post, p. 2564.
Ante, p. 2555.

"§ 1434. Program administration

38 USC 1434.

"(a) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 1777, 1780(a)(5), 1780(b), 1786, 1787, and 1792 of such chapter) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran', as used in those provisions, shall be deemed to include an individual who is eligible for educational assistance under this chapter.

38 USC 1770, 1780.

"(b) An educational assistance allowance for any period may not be paid to an individual enrolled in or pursuing a program of education under this chapter until the Administrator has received—

"(1) from such individual a certification as to such individual's actual attendance during such period; and

"(2) from the educational institution a certification, or an endorsement of the individual's certificate, that such individual was enrolled in and pursuing a program of education during such period.

"(c) Regulations prescribed by the Secretary of Defense under this chapter shall be uniform for the Armed Forces under the jurisdiction of the Secretary of a military department.

Regulations.

"§ 1435. Allocation of administration and of program costs

38 USC 1435.

"(a) Except to the extent otherwise specifically provided in this chapter, the educational assistance programs established by this chapter shall be administered by the Veterans' Administration.

"(b)(1) Except to the extent provided in paragraph (2) of this subsection, payments for entitlement earned under subchapter II of this chapter shall be made from funds appropriated to, or otherwise available to, the Veterans' Administration for the payment of readjustment benefits.

Ante, p. 2554.

"(2) Payments for entitlement earned under subchapter II of this chapter that is established under section 1415(c) of this title at a rate in excess of the rate prescribed under section 1415(a) of this title shall, to the extent of that excess, be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Transportation, as appropriate.

Ante, p. 2557.
Post, p. 2568.

"(c) Payments for educational assistance provided under subchapter III of this chapter shall be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Transportation, as appropriate.

"(d) Funds for the payment by the Administrator of benefits under this chapter that are to be paid from the Department of Defense Education Benefits Fund shall be transferred to the Veterans' Administration from such Fund as necessary and in accordance with agreements entered into under section 2006 of title 10 by the Administrator, the Secretary of Defense, and the Secretary of the

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Treasury. Funds for the payment by the Administrator of benefits under this chapter that are to be paid from appropriations made to the Department of Transportation shall be transferred to the Veterans' Administration as necessary. The Administrator and the Secretary of Transportation shall enter into an agreement for the manner in which such transfers are to be made.

38 USC 1436.

"§ 1436. Reporting requirement

"(a) The Secretary of Defense and the Administrator shall submit to the Congress at least once every two years separate reports on the operation of the program provided for in this chapter.

"(b) The Secretary shall include in each report submitted under this section—

"(1) information indicating (A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education, and (B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

"(c) The Administrator shall include in each report submitted under this section—

"(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Administrator considers appropriate.

"(d)(1) The first report by the Secretary of Defense under this section shall be submitted not later than January 1, 1986.

"(2) The first report by the Administrator under this section shall be submitted not later than January 1, 1988.".

(2) The tables of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting above the item relating to chapter 31 the following new item:

"30. All-Volunteer Force Educational Assistance Program.................................. 1401".

Effective date.
38 USC 1421 note.

(b) Subchapter III of chapter 30 of title 38, United States Code, as added by subsection (a), shall take effect on July 1, 1986.

(c) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the desirability and the feasibility of permitting members of the Armed Forces entitled to educational assistance under chapter 30 of title 38, United States Code (as added by subsection (a)), to transfer entitlement to such assistance to dependents of such members.

Ante, p. 2553.

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COORDINATION WITH OTHER VETERANS' EDUCATION AND TRAINING PROGRAMS

SEC. 703. (a) Section 1508(f)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "30 or" before "34" the first place it appears; and

(B) by striking out "chapter 34" the second place it appears and inserting in lieu thereof "either chapter 30 or chapter 34"; and

(2) in subparagraph (B), by inserting "30 or" before "34".

(b) The third sentence of section 1673(d)(1) of such title is amended by inserting "30," after "or chapter". 38 USC 1673.

(c) Section 1781 is amended— *Ante*, p. 41.

(1) in subsection (a)—

(A) by inserting "30," after "chapter" the first place it appears;

(B) by striking out "36," and inserting in lieu thereof "36 of this title or 106 or 107 of title 10,"; and

(C) by striking out the comma after "chapter 31"; and

(2) by inserting "30," in subsection (b)(1) after "Chapters".

(d) Section 1795(a) is amended— *Ante*, p. 41.

(1) by inserting "30," in clause (4) after "Chapters"; and

(2) by striking out "Chapter 107" in clause (5) and inserting in lieu thereof "Chapters 106 and 107".

SUSPENSION OF RIGHT TO ENROLL IN CHAPTER 32 PROGRAM

SEC. 704. No individual on active duty in the Armed Forces may initially enroll in the educational assistance program provided for in chapter 32 of title 38, United States Code, during the period beginning on July 1, 1985, and ending on June 30, 1988. 38 USC 1621 note. 38 USC 1601 *et seq.*

REVISION OF EDUCATIONAL ASSISTANCE PROGRAM FOR THE SELECTED RESERVE

SEC. 705. (a)(1) Chapter 106 of title 10, United States Code, is amended to read as follows:

"CHAPTER 106—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"2131. Educational assistance program: establishment; amount.
"2132. Eligibility for educational assistance.
"2133. Time limitation for use of entitlement.
"2134. Termination of assistance.
"2135. Failure to participate satisfactorily; penalties.
"2136. Administration of program.
"2137. Reports to Congress.
"2138. Savings provision.

"§ 2131. Educational assistance program: establishment; amount 10 USC 2131.

"(a) To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, under regulations prescribed by the Secretary with respect to the Coast Guard when it is not operating as a service in the Navy, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned who agree to remain members of the Selected Reserve for a period of not less than six years.

"(b) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned to each person entitled to educational assistance under this chapter who is pursuing a program of education and educational assistance allowance at the following rates:

"(1) $140 per month for each month of full-time pursuit of a program of education;

"(2) $105 per month for each month of three-quarter-time pursuit of a program of education; and

"(3) $70 per month for each month of half-time pursuit of a program of education.

"(c)(1) Educational assistance may only be provided under this chapter for pursuit of a program of education at an institution of higher learning and may not be provided to a person after the person has completed a course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study.

38 USC 1795.

"(2) Subject to section 1795 of title 38, the maximum number of months of educational assistance that may be provided to any person under this chapter is 36.

10 USC 2132.

"§ 2132. Eligibility for educational assistance

"(a) A person who—

"(1) during the period beginning on July 1, 1985, and ending on June 30, 1988—

"(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

"(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

"(2) before completing initial active duty for training has received a secondary school diploma (or an equivalency certificate);

Supra.

is entitled to educational assistance under section 2131 of this title.

"(b) Educational assistance may not be provided to a member under this chapter until the member—

"(1) has completed the initial period of active duty for training required of the member; and

"(2) has completed 180 days of service in the Selected Reserve.

"(c) Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled

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be given a statement in writing summarizing the provisions of this chapter and stating clearly and prominently the substance of sections 2134 and 2135 of this title as such sections may apply to the person.

Infra.

"(d) A person who is entitled to educational assistance under chapter 30 of title 38 based on section 1412 of that title may not also be provided educational assistance under this chapter.

Ante, pp. 2553, 2555.

10 USC 2133.

"§ 2133. Time limitation for use of entitlement

"(a) Except as provided in subsection (b), the period during which a person entitled to educational assistance under this section may use such person's entitlement expires (1) at the end of the 10-year period beginning on the date on which such person becomes entitled to such assistance, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

Ante, p. 2560.

"(b)(1) The provisions of section 1431(e) of title 38 shall apply to the period of entitlement prescribed by subsection (a).

"(2) The provisions of section 1431(d) of title 38 shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

10 USC 2134.

"§ 2134. Termination of assistance

"Educational assistance may not be provided under this chapter—

10 USC 2107.

"(1) to a member receiving financial assistance under section 2107 of this title as a member of the Senior Reserve Officers' Training Corps program; or

"(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

10 USC 2135.

"§ 2135. Failure to participate satisfactorily; penalties

"(a)(1) A member of the Selected Reserve of the Ready Reserve of an armed force who fails to participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter shall, at the option of the Secretary concerned—

"(A) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 2132 of this title, whichever is less; or

Ante, p. 2565.

"(B) be required to refund to the United States an amount determined under subsection (b).

"(2) The Secretary concerned may waive the requirements of paragraph (1), or may reduce the amount of any refund under clause (B) of such paragraph, in the case of any individual member when the Secretary determines that the failure to participate satisfactorily was due to reasons beyond the control of the member.

"(3) Any refund by a member under this section shall not affect the period of obligation of such member to serve as a Reserve in the Selected Reserve.

"(b)(1) The amount of a refund under subsection (a) shall be the amount equal to the product of—

"(A) the number of months of obligated service remaining under the agreement entered into under section 2132(a)(3) divided by the original number of months of such obligation; and

"(B) the total amount of educational assistance provided to the member under this chapter,

as increased by interest determined under paragraph (2).

"(2) The amount computed under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the refund is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the member is first notified of the amount due to the United States as a refund under this section.

"§ 2136. Administration of program

10 USC 2136.

"(a) Educational assistance under this chapter shall be provided through the Veterans' Administration, under agreements to be entered into by the Secretary of Defense, and by the Secretary of Transportation, with the Administrator of Veterans' Affairs. Such agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Veterans' Administration for the making of payments under this chapter.

"(b) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of chapter 34 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(a)(5), 1780(b), 1786, 1787(b)(1), and 1792) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this chapter to refer to a person eligible for educational assistance under this chapter.

38 USC 1770, 1780.

"§ 2137. Reports to Congress

10 USC 2137.

"The Secretary of Defense shall submit to the Congress a report not later than December 15 of each year concerning the operation of the educational assistance program established by this chapter during the preceding fiscal year. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during the preceding fiscal year.

"§ 2138. Savings provision

10 USC 2138.

"A member who entered into an agreement under this chapter before July 1, 1985, shall continue to be eligible for educational assistance in accordance with the terms of such agreement and of this chapter as in effect before such date.".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A of such title, and in the table of chapters at the beginning of part III of such subtitle, are amended to read as follows:

"106. Educational Assistance for Members of the Selected Reserve .... 2131".

Effective date.
10 USC 2131 note.
Ante, p. 2564.

(b) The amendments made by this section shall take effect on July 1, 1985, and shall apply only to members of the Armed Forces who qualify for educational assistance under chapter 106 of title 10, United States Code, as amended by subsection (a), on or after such date.

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ACCRUAL FUNDING OF DEPARTMENT OF DEFENSE LIABILITIES

SEC. 706. (a)(1) Chapter 101 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2006.

"§ 2006. Department of Defense Education Benefits Fund

"(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Education Benefits Fund (hereinafter in this section referred to as the 'Fund'), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance Department of Defense education liabilities on an actuarially sound basis.

"(b) In this section:

"(1) 'Department of Defense education liabilities' means liabilities of the Department of Defense for benefits under chapter 30 of title 38 and for benefits under chapter 106 of this title.

Ante, pp. 2553, 2564.

"(2) 'Normal cost', with respect to any period of time, means the total of the following:

Ante, p. 2557.

"(A) The present value of the future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized under section 1415(c) of title 38 to persons who were not on active duty on July 1, 1985, and who during such period enter on active duty.

Ante, p. 2558.

"(B) The present value of the future benefits payable from the Fund for amounts attributable to educational assistance authorized under subchapter III of chapter 30 of title 38 to persons who were not on active duty on July 1, 1985, and who during such period—

Ante, p. 2554.

"(i) enter a fourth year of active duty, in the case of persons eligible for basic educational assistance under section 1411 of such title; or

Ante, p. 2558.

"(ii) enter a period of service that will establish entitlement to such educational assistance under section 1421(b) of such title, in the case of persons eligible for basic educational assistance under section 1412 of such title.

Ante, p. 2555.
Ante, p. 2564.

"(C) The present value of the future benefits payable from the Fund for educational assistance under chapter 106 of this title to persons who during such period become entitled to such assistance.

"(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Amounts paid into the Fund by the Secretary of Defense under subsection (g).

"(2) Any amount appropriated to the Fund.

"(3) Any return on investment of the assets of the Fund.

"(d) The Secretary of the Treasury shall transfer from the Fund to the Administrator of Veterans' Affairs such amounts as may be necessary to enable the Administrator to make required payments of Department of Defense education liabilities. The Secretary of the Treasury, the Secretary of Defense, and the Administrator shall enter into an agreement as to how and when, and the amounts in which, such transfers shall be made. Except for investments under subsection (h), amounts in the Fund may not be used for any purpose other than transfers as described in this subsection.

Department of Defense Education Benefits Board of Actuaries, establishment.

"(e)(1)(A) There is established in the Department of Defense a Department of Defense Education Benefits Board of Actuaries (hereinafter in this section referred to as the 'Board'). The Board shall consist of three members, who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

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"(B)(i) Except as provided in clause (ii), the members of the Board shall serve for a term of fifteen years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

"(ii) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

"(C) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

5 USC 5331.

5 USC 5703.

Report.

"(2) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

Report.

"(3) The Board shall review valuations of the Fund under subsection (f) and report periodically, not less than once every four years, to the President and Congress on the status of the Fund and shall recommend such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

Records.

"(4) The Secretary shall keep, or cause to be kept, such records as necessary for determining the actuarial status of the Fund.

"(f)(1) The Secretary of Defense shall carry out periodic actuarial valuations of the educational programs described in subsection (b)(1).

"(2) Based on the most recent such valuation, the Secretary of Defense shall estimate the normal cost for the next fiscal year.

"(3) If at the time of any such valuation there has been a change in benefits under an education program described in subsection (b)(1) that has been made since the last such valuation and that increases or decreases the present value of benefits payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the liquidation of the unfunded liability (or negative unfunded liability) thus created such that the present value of the sum of the amortization payments equals the increase or decrease in the present value of such benefits.

"(4) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the liquidation of such gain or loss through an increase or decrease in the payments that would otherwise be made to the Fund.

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"(5) Based on the determinations under paragraphs (2), (3), and (4) the Secretary of Defense shall determine the amount needed to be appropriated to the Department of Defense for the next fiscal year for payments to be made to the Fund under subsection (g). The President shall include not less than the full amount so determined in the budget transmitted to Congress for the next fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

President of U.S.

31 USC 1105.

"(6) All determinations under this subsection shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

"(g)(1) The Secretary of Defense shall pay into the Fund each month the amount that, based upon the most recent actuarial valuation of the education programs described in subsection (b)(1), is equal to the actual total normal cost for the preceding month.

"(2) The Secretary of Defense shall pay into the Fund at the beginning of each fiscal year (or as soon thereafter as appropriations are available for such purpose) the sum of the following:

"(A) The amount of the payment for that year, if any, for the amortization of any liability to the Fund resulting from a change in benefits, as determined by the Secretary of Defense under subsection (f)(3).

"(B) The amount of the payment for that year, if any, for the amortization of any actuarial gain or loss to the Fund, as determined by the Secretary of Defense under subsection (f)(4).

"(3) Amounts paid into the Fund under this subsection shall be paid from appropriations available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

Securities.

"(h) The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2006. Department of Defense Education Benefits Fund.".

10 USC 2006 note.
Ante, p. 2568.

(b) The first payment into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, as added by subsection (a), shall be made not later than three months after the Board of Actuaries determines the amounts needed to be paid into the Fund for that portion of fiscal year 1985 beginning on July 1, 1985. The first payment shall be made in a lump sum equal to the total of the amounts that would have been paid to the Fund each month between July 1, 1985, and the time such first payment is made.

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EDUCATIONAL LEAVE OF ABSENCE FOR MEMBERS OF THE ARMED FORCES

SEC. 707. (a)(1) Chapter 40 of title 10, United States Code, relating to leave, is amended by adding at the end thereof the following new section:

10 USC 708.

"§ 708. Educational leave of absence

"(a) Under such regulations as the Secretary of Defense may prescribe after consultation with the Secretary of Transportation and subject to subsection (b), the Secretary concerned may grant to any eligible member (as defined in subsection (e)) a leave of absence for a period of not to exceed two years for the purpose of permitting the member to pursue a program of education.

"(b)(1) A member may not be granted a leave of absence under this section unless—

"(A) in the case of an enlisted member, the member agrees in writing to extend his current enlistment after completion (or other termination) of the program of education for which the leave of absence was granted for a period of two months for each month of the period of the leave of absence; and

"(B) in the case of an officer, the member agrees to serve on active duty after completion (or other termination) of the program of education for which the leave of absence was granted for a period (in addition to any other period of obligated service on active duty) of two months for each month of the period of the leave of absence.

"(2) A member may not be granted a leave of absence under this section until he has completed any extension of enlistment or reenlistment, or any period of obligated service, incurred by reason of any previous leave of absence granted under this section.

"(c)(1) While on a leave of absence under this section, a member shall be paid basic pay but may not receive basic allowance for quarters or basic allowance for subsistence or any other pay and allowances to which he would otherwise be entitled for such period.

"(2) A period during which a member is on a leave of absence under this section shall be counted for the purposes of computing the amount of the member's basic pay, for the purpose of determining the member's eligibility for retired pay, and for the purpose of determining the member's time in grade for promotion purposes, but may not be counted for the purposes of completion of the term of enlistment of the member (in the case of an enlisted member) or for purposes of section 1421 of title 38, relating to entitlement to supplemental educational assistance. *Ante*, p. 2558.

"(d)(1) In time of war, or of national emergency declared by the President or the Congress after the date of the enactment of this section, the Secretary concerned may cancel any leave of absence granted under this section.

"(2) The Secretary concerned may cancel a leave of absence granted to a member under this section if the Secretary determines that the member is not satisfactorily pursuing the program of education for which the leave was granted.

"(e) In this section, 'eligible member' means a member of the armed forces on active duty who is eligible for basic educational assistance under chapter 30 of title 38 and who— *Ante*, p. 2553.

"(1) in the case of an enlisted member, has completed at least one term of enlistment and has reenlisted; and

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"(2) in the case of an officer, has completed the officer's initial period of obligated service on active duty.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"708. Educational leave of absence.".

(b) Section 708 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1985. Effective date. 10 USC 708 note.

PRESEPARATION COUNSELING

SEC. 708. (a)(1) Chapter 53 of title 10, United States Code, is amended by adding after section 1045 (as added by section 654) the following new section:

"§ 1046. Preseparation counseling requirement 10 USC 1046.

"Upon the discharge or release from active duty of a member of the armed forces, the Secretary concerned shall provide for individual counseling of that member. That counseling shall include a discussion of the educational assistance benefits to which the member is entitled because of the member's service in the armed forces and an explanation of the procedures for and advantages of affiliating with the Selected Reserve. A notation of the provision of such counseling, signed by the member, shall be placed in the service record of each member receiving such counseling.".

(2) The table of sections at the beginning of that chapter is amended by adding after the item relating to section 1045 (as added by section 654) the following new item:

"1046. Preseparation counseling requirement.".

Effective date. 10 USC 1046 note.

(b) Section 1046 of title 10, United States Code, as added by subsection (a), shall take effect on July 1, 1985.

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

97 Stat. 672.

SEC. 709. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1986".

TITLE VIII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

50 USC app. 2251-2297.

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1985 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 251 et seq.) the sum of $190,000,000.

REPEAL OF LIMITATION ON AMOUNTS THAT MAY BE APPROPRIATED FOR CERTAIN PURPOSES

SEC. 802. Section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out ": *Provided further*" and all that follows through "$47,000,000 per annum".

TITLE IX--NATIONAL DEFENSE STOCKPILE

TERMINATION OF PREVIOUS DISPOSAL AUTHORITY

Contracts. 50 USC 98d note.

SEC. 901. (a) Any authority provided by law before the date of the enactment of this Act to enter into contracts for the disposal of materials in the National Defense Stockpile established by section 3 of the Strategic and Critical Materials Stock Piling Act (hereinafter in this title referred to as "the Act") (50 U.S.C. 98b) shall expire on September 30, 1984.

AUTHORIZATIONS FOR DISPOSAL

Effective date. President of U.S. 50 USC 98d note.

SEC. 902. Effective on October 1, 1984, the President is authorized to dispose of the following quantities of materials currently held in the National Defense Stockpile in accordance with the provisions of the Act, such quantities having been determined to be excess to the current requirements of the stockpile:

(1) 3,200 short tons of antimony.
(2) 5,600 short tons of asbestos, chrysotile.
(3) 7,500,000 carats of diamond stones.
(4) 51,210 short dry tons of manganese dioxide battery natural.
(5) 292,000 short dry tons of metallurgical grade manganese.
(6) 5,000 flasks of mercury.
(7) 500,000 pounds of mercuric oxide.
(8) 1,000,000 pounds of mica, muscovite film first and second qualities.
(9) 1,000,000 pounds of mica, muscovite splittings.
(10) 50,000 pounds of mica, phlogopite splittings.
(11) 167 short tons of mica block and lump.
(12) 100,000 pounds of quartz crystals.
(13) 10,000,000 troy ounces of silver.
(14) 125,000 pounds of talc, block and lump.
(15) 50,000 pounds of thorium nitrate.
(16) 20,000 long tons of tin.
(17) 2,400,000 pounds of tungsten contained in ores.
(18) 4,200 long tons of vegetable tannin, chestnut.
(19) 20,000 long tons of vegetable tannin, quebracho.

RESTRICTIONS ON BALANCE IN STOCKPILE TRANSACTION FUND

SEC. 903. (a) Section 5(b)(2) of the Act (50 U.S.C. 98d(b)(2)) is amended—

(1) by striking out "a balance" the first place it appears and inserting in lieu thereof "an unobligated balance"; and

(2) by striking out "$1,000,000,000" and all that follows through the end and inserting in lieu thereof "$250,000,000.".

(b) Effective on October 1, 1986, section 5(b)(2) of the Act is amended by striking out "$250,000,000" and inserting in lieu thereof "$100,000,000". Effective date.

STOCKPILE REPORT

SEC. 904. Not later than January 31, 1985, the President shall submit to Congress a report respecting the National Defense Stockpile. The report shall include— President of U.S.

(1) a plan for attaining the goals of the stockpile specified in section 3(b)(2) of the Act over a three-year period;

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(2) an analysis as to the appropriateness of placing all aspects of the management and operation of the stockpile under a single authority, such as the Secretary of Defense;

(3) an analysis of the adequacy of existing legal authority to barter surplus and excess material of the Government and excess real property of the Department of Defense for strategic and critical materials for the stockpile;

(4) an analysis of why existing barter authority has not been used more aggressively in procuring strategic and critical materials to meet stockpile goals; and

(5) a draft of such legislation as may be required to carry out any recommendations respecting such plans and analyses.

DEPOSIT OF FUNDS ACCRUING FROM NAVAL PETROLEUM RESERVES

SEC. 905. There shall be deposited into the National Defense Stockpile Transaction Fund established under section 9 of the Act (50 U.S.C. 98h) 30 percent of all money accruing to the United States during fiscal year 1985 from lands in the naval petroleum and oil shale reserves (less amounts spent for exploration, development and operation of those reserves and related expenses during that period). Moneys deposited into the Fund under this subsection shall be deemed to have been covered into the Fund under section 9(b) of the Act. 50 USC 98h note.

TITLE X—MATTERS RELATING TO NATO AND OTHER ALLIES

SENSE OF CONGRESS RELATING TO INCREASE IN DEFENSE SPENDING BY UNITED STATES ALLIES

SEC. 1001. It is the sense of Congress that the President— 22 USC 1928 note.

(1) should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least 3 percent real growth; and

(2) should call on Japan to further increase its defense spending during fiscal years 1984 and 1985; Japan.

in furtherance of increased unity, equitable sharing of the common defense burden, and international stability.

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. 1002. (a) The Congress finds— 22 USC 1928 note.

(1) that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the period of time that Western Europe can be defended by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a nonnuclear attack on any NATO member country;

(2) that fulfillment by NATO member nations of their goals and commitments to increase defense spending, improve conventional sustainability, and provide support facilities in Western Europe for rapid reinforcements from the United States is crucial to accomplishing that objective; and

(3) that an increase over current United States military personnel levels in European member nations of NATO can be justified only if these goals and commitments are substantially met by NATO member nations (other than the United States).

Congress.

(b) The Congress urges the President and the Secretary of Defense to continue to encourage member nations of NATO (other than the United States) to work expeditiously to fulfill the following commitments they have undertaken:

(1) To achieve and maintain an annual increase in their defense spending of at least 3 percent, after inflation.

(2) To acquire a 30-day supply of air and ground munitions among those NATO members which have committed forces to the Northern, Center, and Southern Regions.

(3) To construct the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, as a minimum, the annual commitment of United States reinforcing tactical aircraft.

Prohibition.

(c)(1) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act enacted after the date of the enactment of this Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(2) If the Secretary of Defense certifies to the Congress in writing during any fiscal year after fiscal year 1985 that during the previous fiscal year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity consistent with the goals set forth in subsection (b) which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander, Europe, would have to request the release and use of nuclear weapons, the Congress would give strong consideration to authorizing an increase in the permanent ceiling prescribed in paragraph (1) for fiscal years after such fiscal year.

Report.

(d)(1) Not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Northern, Center, and Southern Regions.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

Report.

(2)(A) Beginning with the budget submitted to Congress for fiscal year 1986, but not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to Congress a report on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report entitled "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section

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1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677). In addition to the information required by that section, each such report shall include information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements of subparagraph (A), the Secretary of Defense shall include in the report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense.

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft.

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving NATO's ability to neutralize enemy follow-on forces, including use of emerging technologies.

(ix) Improvements in mine/counter mine capability.

(x) Improvements in offensive counter air capability.

(C) The requirement under clause (i) of subparagraph (B) is satisfied in any year by the submission of the report required by section 1003(c) for that year.

Infra.

(e)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in this Act for the activities of the Director of Operational Test and Evaluation, Defense, the Director may use an additional amount, not to exceed $50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act. Items that may be acquired under this paragraph include submunitions and dispensers, anti-tank and anti-armor guided missiles, mines, runway-cratering devices, torpedoes, mortar systems, light armored vehicles, and high-velocity anti-tank guns.

Prohibition.

(f)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

Waiver.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

International agreements.
Japan.
22 USC 1928 note.
63 Stat. 2241.
11 UST 1632.

Sec. 1003. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security Treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

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(2) since May 1978, when each member nation of the North Atlantic Treaty Organization (NATO) agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

President of U.S.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

Report.

(c) The Secretary of Defense shall submit to the Congress each year, not later than March 1, a classified report containing—

(1) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of NATO, and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(2) a description of efforts by the United States and the efforts of other members of the alliances to eliminate any existing disparities;

(3) projected estimates of the real growth in defense spending for the fiscal year in which the report is submitted for each NATO member nation;

(4) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in the fiscal year immediately preceding the fiscal year in which the report is submitted;

(5) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

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(6) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances; and

(7) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (2) and (5) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

Report.
Confidentiality.

(d) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under subsection (a) an unclassified report containing the matters set forth in clauses (1) through (7) of such subsection.

NATO SEASPARROW COOPERATIVE PROGRAM

SEC. 1004. The Secretary of the Navy is authorized to continue participation, in accordance with current operating procedures, in the North Atlantic Treaty Organization SEASPARROW Surface Missile System Cooperative Consortium, as described in the Memorandum of Understanding between the United States, Denmark, Norway, Italy, the Netherlands, Belgium, Canada, Greece, and Federal Republic of Germany, signed by the United States on June 6, 1968, and the Memorandum of Understanding between the same countries, signed by the United States on May 20, 1977.

29 UST 1103.

PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES

SEC. 1005. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

International agreements.
10 USC 2401a.

"§ 2401a. Procurement of communications support and related supplies and services

"(a) As an alternative means of obtaining communications support and related supplies and services, the Secretary of Defense, subject to the approval of the Secretary of State, may enter into an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO), under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to such country or NATO an equivalent value of communications support and related supplies and services.

"(b) Any arrangement entered into under this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such arrangement would be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Payments received by the United States shall be credited to the appropriation from which such communications support and related supplies and services have been provided.

Records.

"(c) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of all documents evidencing an arrangement entered into

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under subsection (a) not later than 45 days after entering into such an arrangement.

"(d) In this section, 'allied country' means—

"(1) a country that is a member of the North Atlantic Treaty Organization, or

"(2) Australia, New Zealand, Japan, or the Republic of Korea.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401a. Procurement of communications support and related supplies and services.".

POLICY ON ARMAMENTS COOPERATION WITH NATO MEMBER COUNTRIES

Report.

SEC. 1006. Not later than May 1, 1985, the Secretary of Defense shall transmit to Congress a report setting forth a comprehensive proposal by which the United States and other North Atlantic Treaty Organization member countries may achieve the objectives described in section 1122(b) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 755).

22 USC 1928 note.

AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE

Federal Republic of Germany.

SEC. 1007. (a) During fiscal year 1985, the Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements during that year, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

Waiver.

(b) In connection with the administration of the European air defense agreements during fiscal year 1985, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

22 USC 2751 note.

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency (A) for the supply of logistic support in Europe for the Patriot missile system, and (B) for the acquisition of such logistic support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the

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requirement in section 22 of that Act (22 U.S.C. 2762) for payment in advance of delivery for any purchase under that Act.

22 USC 2761.

(c) Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of the 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under that Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

International agreements.

(d) For the purposes of this section, the term "European air defense agreements" means (1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983, and (2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Federal Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

Contracts.

(e) The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds are otherwise available for that purpose.

TITLE XI—MATTERS RELATING TO ARMS CONTROL

REPORT ON STRATEGIC NUCLEAR SUBMARINE FORCE

Sec. 1101. Not later than April 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the survivability of the United

States strategic nuclear ballistic missile submarine force. The report shall address whether there are grounds for adjusting, in short or long-range terms, strategic force plans of the United States based on any vulnerability or potential vulnerability of such force. The report shall also examine the feasibility and desirability of enhancing the survivability of such force through measures that would affect antisubmarine warfare, including the nature of the patrols and the rules of engagement of attack submarines and the nature of the patrols and the rules of engagement of ballistic missile submarines.

ANNUAL REPORT ON STRATEGIC DEFENSE PROGRAMS

10 USC 139 note.

SEC. 1102. At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each fiscal year beginning with fiscal year 1986 and ending with fiscal year 1990 (but not later than March 15 of the calendar year in which such fiscal year begins), the Secretary of Defense shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the programs that constitute the Strategic Defense Initiative and other programs, if any, relating to defense against strategic ballistic missiles. Each such report shall include—

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(1) details of all programs and projects included in the Strategic Defense Initiative or relating to defense against strategic ballistic missiles;

(2) a clear definition of the objectives of the Strategic Defense Initiative;

(3) an explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles;

(4) the status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program;

(5) a statement of any anticipated impact on the anti-ballistic missile treaty;

(6) consideration of a process by which Congress could review Soviet countermeasures to specific Strategic Defense Initiative programs and evaluate the adequacy of such programs to respond to such countermeasures;

(7) details on the funding of programs, projects, and tasks for the Strategic Defense Initiative, including—

(A) prior and current year funding levels for all such programs, projects, and tasks in the Strategic Defense Initiative budgetary presentation materials;

(B) the amount requested to be appropriated for such programs, projects, and tasks for the fiscal year for which the budget is submitted; and

(C) the amount programmed to be requested for the following fiscal year.

REPORT ON THEATER NUCLEAR WEAPONS AND FORCE STRUCTURE

President of U.S.

SEC. 1103. Not later than January 19, 1985, the President shall submit to Congress a report setting forth reasons why the United States should or should not initiate a long-term program for the renovation of the North Atlantic Treaty Organization (NATO) nuclear deterrent in a manner designed to reduce pressures for early first use of tactical nuclear weapons and to substantially reduce the theater nuclear arsenal to types and numbers of weapons whose characteristics make for a more stable and credible force. The report (in addition to any other matter covered) should specifically address the following issues:

(1) Whether NATO should not eliminate its reliance on short-range battlefield nuclear weapons (such as the atomic demolition bomb and 155-millimeter and 8-inch nuclear artillery

rounds), the exposure of which to early loss from enemy action promotes pressures for early use.

(2) Whether NATO should not refurbish its nuclear deterrent by designing and deploying specific dedicated nuclear launchers of a range which permits the coverage of all potential targets from locations in the rear of the European NATO territory in the territory of the Warsaw Pact short of the territory of the Soviet Union, thereby reducing pressure from enemy action for early first use of nuclear weapons.

49 Stat. 3000.

(3) Whether NATO should not, as a consequence of a change in policy described in paragraph (2), eliminate its inventory of dual-capable nuclear/conventional weapons in order to allow early use of artillery, aircraft, and surface-to-surface missiles for conventional missions rather than causing them to be withheld for possible nuclear use.

(4) Whether NATO should not place control and operation of tactical nuclear weapons in a single specialized command established for that purpose so that all other NATO force elements could be free to concentrate on pursuing conventional military missions with maximum efficiency.

REPORT ON WITHDRAWAL OF TACTICAL NUCLEAR WARHEADS FROM EUROPE

President of U.S.

SEC. 1104. The President shall submit a report to Congress not later than 90 days after the final decision is made (based upon the recommendations of the Supreme Allied Commander, Europe) regarding the net reduction to be made by the United States in the number of tactical nuclear warheads in the territory of North Atlantic Treaty Organization European member nations pursuant to the decision of the Nuclear Planning Group of the North Atlantic Treaty Organization of October 17, 1983. The report shall—

(1) specify the types of warheads to be withdrawn in accordance with that decision, the number of each such warhead to be withdrawn, the schedule for the withdrawal, and the rationale for the selection of the particular warheads to be withdrawn; and

(2) any changes in force structure to be made resulting from the changes in the tactical nuclear warheads positioned in Europe.

REPORT ON UNITED STATES COUNTERFORCE CAPABILITY

President of U.S.

SEC. 1105. (a) Not later than April 15, 1985, the President shall submit to Congress a report discussing the required strategic counterforce capability consistent with existing United States policy.

Intercontinental ballistic missiles.

(b) The report under subsection (a) shall be developed taking into consideration current and proposed United States intercontinental ballistic missiles having an accuracy on the order of the MX missile (including specifically the MX missile, the D-5 Trident missile, and the small single-warhead missile) intended to be procured for United States strategic force modernization and the rationale for the overall counterforce capability that would be attained as a cumulative result of those procurements. The President shall include in the report a specific definition of what United States counterforce capability would constitute a so-called "first-strike capability" against the Soviet Union.

(c) The report shall also include an assessment of corresponding Soviet counterforce and first-strike capabilities.

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

President of U.S

SEC. 1106. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency entitled "A Quarter

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Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

Public information. Confidentiality.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

President of U.S.

REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

SEC. 1107. (a) The Secretary of Defense shall participate in any comprehensive study of the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

Study.

(b) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

Public information. Confidentiality.

(1) A detailed review and assessment of the current scientific studies and findings on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such studies and findings have on (A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (B) the nuclear arms control policy of the United States, and (C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

SENSE OF THE CONGRESS RELATING TO THE ESTABLISHMENT OF NUCLEAR RISK REDUCTION CENTERS IN THE UNITED STATES AND THE SOVIET UNION

SEC. 1108. (a) The Congress makes the following findings:

(1) An increasing number of scenarios (including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a State sponsored threat) could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the United States and the Soviet Union, situations that neither side anticipates, intends, or desires.

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(2) There has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons.

(3) Such proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great.

(4) Current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities.

President of U.S. Communications and telecommunications.

(5) The President, responding to congressional initiatives, proposed the establishment of additional and improved communications links between the United States and the Soviet Union and other measures to reduce the risk of nuclear confrontation, and has initiated discussions at a working level with the Soviet Union pertaining to—

(A) the addition of a high speed facsimile capability to the direct communication link (hotline);

(B) the creation of a joint military communications link between the Department of Defense and the Soviet Defense Ministry; and

(C) the establishment by the Governments of the United States and Soviet Union of high-rate data communication links between each nation and its embassy in the other nation's capital.

(6) The establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations, thereby enhancing the security of both the United States and the Soviet Union.

(7) These centers could serve a variety of functions, including—

(A) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

(B) maintaining close contact during nuclear threats or incidents precipitated by third parties;

(C) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

(D) exchanging information about United States-Union of Soviet Socialist Republics military activities which might be misunderstood by the other party during periods of mounting tensions; and

(E) establishing a dialog about nuclear doctrines, forces, and activities.

(8) The continuing and routine implementation of these various activities could be facilitated by the establishment within each Government of facilities, organizations, and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head of state with responsibilities to manage such centers.

(b) The Congress—

(1) commends the President for his announced support for the confidence building measures described in subsection (a) and his initiation of negotiations which have occurred; and

(2) urges the President to pursue negotiations on these measures with the Government of the Soviet Union and to add to these negotiations the establishment of nuclear risk reduction centers in both nations to be operated under the direction of the appropriate diplomatic and defense authorities.

SENSE OF CONGRESS REGARDING A REPORT TO CONGRESS ON CERTAIN VERIFICATION PROGRAMS RELATING TO BIOLOGICAL AND CHEMICAL WEAPONS

SEC. 1109. (a) The Congress makes the following findings:

Iran-Iraq war.

(1) The Iran-Iraq war has recently demonstrated a marked increase in the proliferation of technology on the production of chemical weapons and an increase in the willingness of nations to use such weapons in armed conflict.

President of U.S.

(2) The President's Report to Congress on Soviet Arms Control Noncompliance concluded that the Soviet Union has refused to respond adequately to United States concerns about the transfer or use by the Soviet Union of lethal chemical warfare agents in Laos, Kampuchea, and Afghanistan and United States con-

cerns about adherence by the Soviet Union to the 1972 Biological and Toxin Weapons Convention.

(3) Experts at the recent annual meeting of the American Association for the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare held at Ghent, Belgium, emphasized that better verification of the use of chemical weapons and of the development of biological and toxin weapons was essential to strengthen the 1972 Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

26 UST 583.

26 UST 571.

(4) The 1972 Biological and Toxin Weapons Convention is scheduled for review in 1985.

(5) The United States is anxious to promote and strengthen adherence to the Geneva Protocol of 1925 and the 1972 Biological and Chemical Weapons Convention and is vigorously pursuing a comprehensive, verifiable, international agreement to ban chemical weapons.

(6) Any comprehensive agreement intended to ban the production, storage, and transfer of chemical weapons must provide for effective measures of verification and enforcement and in order for the 1972 Biological and Toxin Weapons Convention to be effective, compliance with the terms of the convention must be verifiable; and

(7) The Congress must be well informed regarding existing and planned programs for verifying compliance with the 1972 Biological and Toxin Weapons Convention and with a chemical weapons ban agreement.

(b) It is the sense of Congress that the President should submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a comprehensive report identifying and evaluating—

(1) existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban; and

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(2) the budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

26 UST 583.

(c) The President is requested to submit the report referred to in subsection (b) to the committees referred to in such subsection not later than December 31, 1984.

SENSE OF CONGRESS EXPRESSING SUPPORT FOR UNITED STATES TO PURSUE OUTSTANDING ARMS CONTROL COMPLIANCE

SEC. 1110. (a) The Congress makes the following findings:

(1) It is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies.

(2) The President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint".

President of U.S.

(3) The United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements.

(4) The President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions".

President of U.S.

(5) The President has also declared that "the United States is continuing to carry out its obligations under relevant agreements".

(6) It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union.

(7) The continuation of existing restraints on strategic offensive nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the levels of nuclear arms.

(8) The Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table.

(9) A termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult.

(10) Both sides have, to date, abided by important numerical and other limits contained in existing strategic offensive arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits.

(11) It is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new ones are deployed and to continue to remain at or below a level of 820 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles, 1,200 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles, and 1,320 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles and heavy bombers equipped with air launched cruise missiles, and other related limits in existing strategic offensive arms agreements.

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(b) In view of these findings, it is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements and should seek corrective actions, where appropriate, through the Standing Consultative Commission and other available diplomatic channels;

(2) the United States should, through December 31, 1985, continue to pursue its stated policy to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from undercutting the provisions of those agreements, or until a new strategic offensive arms agreement is concluded;

President of U.S.
Report.
Confidentiality.

(3) the President should provide a report to the Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, by February 15, 1985;

President of U.S.
Report.

(4) the President shall provide to Congress on or before June 1, 1985, a report that—

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy on strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy; and

(5) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies and should consult with the Congress before making any change in current policy.

POLICY ON THE STATUS OF CERTAIN TREATIES TO PREVENT NUCLEAR TESTING

SEC. 1111. (a) The Senate makes the following findings:

(1) The United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time.

14 UST 1313.
21 UST 483.

(2) A comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons.

(3) The Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification.

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(4) The entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable.

(5) A comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means.

(6) At present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty.

(7) The past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) It is the sense of the Senate that at the earliest possible date, the President should—

President of U.S.
Report.

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

(c) In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

TITLE XII—PROCUREMENT POLICY REFORM AND OTHER PROCUREMENT MATTERS

Defense Procurement Reform Act of 1984.

PART A—SHORT TITLE AND CONGRESSIONAL FINDINGS

SHORT TITLE

SEC. 1201. This title may be cited as the "Defense Procurement Reform Act of 1984".

10 USC 2301 note.

CONGRESSIONAL FINDINGS AND POLICY

SEC. 1202. The Congress finds that recent disclosures of excessive payments by the Department of Defense for replenishment parts

Contracts.
10 USC 2301 note.

have undermined confidence by the public and Congress in the defense procurement system. The Secretary of Defense should make every effort to reform procurement practices relating to replenishment parts. Such efforts should, among other matters, be directed to the elimination of excessive pricing of replenishment spare parts and the recovery of unjustified payments. Specifically, the Secretary should—

(1) direct that officials in the Department of Defense refuse to enter into contracts unless the proposed prices are fair and reasonable;

98 STAT. 2589

(2) continue and accelerate ongoing efforts to improve defense contracting procedures in order to encourage effective competition and assure fair and reasonable prices;

(3) direct that replenishment parts be acquired in economic order quantities and on a multiyear basis whenever feasible, practicable, and cost effective;

(4) direct that standard or commercial parts be used whenever such use is technically acceptable and cost effective;

(5) vigorously continue reexamination of policies relating to acquisition, pricing, and management of replenishment parts and of technical data related to such parts; and

(6) ensure that persons that have developed products or processes offered or to be offered for sale to the public are not required, as a condition for the procurement of such products or processes by the Department of Defense, to provide to the United States technical data relating to the design, development, or manufacture of such products or processes (except for such data as may be necessary for the United States to operate and maintain the product or use the process if obtained by the United States as an element of performance under the contract).

PART B—AMENDMENTS TO CHAPTER 137 OF TITLE 10, UNITED STATES CODE

DEFINITIONS

SEC. 1211. Section 2302 of title 10, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency. Such term does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.

"(5) 'Major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (A) the Department of Defense is responsible for the system and the total expenditures for research, development, test, and evaluation for the system are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); (B) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater; or (C) the system is designated a 'major system' by the head of the agency responsible for the system.".

PUBLICATION OF PROPOSED REGULATIONS

98 STAT. 2590

SEC. 1212. (a) Chapter 137 of title 10, United States Code, is amended by inserting after section 2303 the following new section:

"§ 2303a. Publication of proposed regulations

Effective date. Federal Register, publication. *Post*, p. 3077. 10 USC 2303a.

"(a) Except as provided in subsection (d), a procurement policy, regulation, procedure, or form (including amendments or modification thereto) that (1) has a significant effect beyond the internal operating procedures of the agency issuing the procurement policy, regulation, procedure, or form, or (2) has a significant cost or administrative impact on contractors or offerors may not take effect until 30 days after the procurement policy, regulation, procedure, or form is published for public comment in the Federal Register pursuant to subsection (b).

"(b) Subject to subsection (c), the head of the agency shall cause to be published in the Federal Register a notice of the proposed procurement policy, regulation, procedure, or form and provide for a public comment period for receiving and considering the views of all interested parties on such proposal. The length of such comment period may not be less than 30 days.

"(c) Any notice of a proposed procurement policy, regulation, procedure, or form prepared for publication in the Federal Register shall include—

"(1) in a format required for publication in the Federal Register, the text of the proposal or, if it is impracticable to publish the full text of the proposal, a summary of the proposal and a statement specifying the name and address of the officer or employee of the executive agency from whom the full text may be obtained; and

"(2) a request for interested parties to submit comments on the proposal and shall include the name and address of the officer or employee of the Government designated to receive such comments.

"(d)(1) The requirements of subsections (a) and (b) may be waived by the officer of the agency authorized to issue a procurement policy, regulation, procedure, or form if circumstances make compliance with such requirements impracticable.

"(2) A procurement policy, regulation, procedure, or form with respect to which the requirements of subsections (a) and (b) are waived under paragraph (1) shall be effective on a temporary basis if—

"(A) a notice of such procurement policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the procurement policy, regulation, procedure, or form is temporary; and

"(B) provision is made for a public comment period of 30 days beginning on the date on which the notice is published.

After considering the comments received, the head of the agency waiving the requirements of subsections (a) and (b) under paragraph (1) may issue the final procurement policy, regulation, procedure, or form.".

(b) The amendment made by subsection (a) shall take effect with respect to procurement policies, regulations, procedures, or forms first proposed to be issued by an agency on or after the date which is 30 days after the date of enactment of this Act.

Effective date. 10 USC 2303a note.

98 STAT. 2591

PLANNING FOR PROCUREMENT OF SUPPLIES AND FOR FUTURE COMPETITION

SEC. 1213. (a) Section 2305 of title 10, United States Code, is amended by adding at the end thereof the following new subsections:

Contracts.

"(c) The Secretary of Defense shall ensure that before a contract for the delivery of supplies to the Department of Defense is entered into—

"(1) when the appropriate officials of the Department are making an assessment of the most advantageous source for acquisition of the supplies (considering quality, price, delivery, and other factors), there is a review of the availability and cost of each item of supply—

"(A) through the supply system of the Department of Defense; and

"(B) under standard Government supply contracts, if the item is in a category of supplies defined under regulations of the Secretary of Defense as being potentially available under a standard Government supply contract; and

"(2) there is a review of both the procurement history of the item and a description of the item, including, when necessary for an adequate description of the item, a picture, drawing, diagram, or other graphic representation of the item.

"(d)(1)(A) The Secretary of Defense shall ensure that, in preparing a solicitation for the award of a development contract for a major system, the head of an agency consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a development contract are the following:

"(i) Proposals to incorporate in the design of the major system items which are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source.

"(ii) With respect to items that are likely to be required in substantial quantities during the system's service life, proposals to incorporate in the design of the major system items which the United States will be able to acquire competitively in the future.

"(2)(A) The Secretary of Defense shall ensure that, in preparing a solicitation for the award of a production contract for a major system, the head of an agency consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price. 98 STAT. 2592

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a production contract are proposals identifying opportunities to ensure that the United States will be able to obtain on a competitive basis items procured in connection with the system that are likely to be reprocured in substantial quantities during the service life of the system. Proposals submitted in response to such requirement may include the following:

"(i) Proposals to provide to the United States the right to use technical data to be provided under the contract for competitive reprocurement of the item, together with the cost to the United States, if any, of acquiring such technical data and the right to use such data.

"(ii) Proposals for the qualification or development of multiple sources of supply for the item.

"(3) If the head of an agency is making a noncompetitive award of a development contract or a production contract for a major system, the factors specified in paragraphs (1) and (2) to be considered in evaluating an offer for a contract may be considered as objectives in negotiating the contract to be awarded.".

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

Effective date.
10 USC 2305 note.

DELEGATION OF CERTAIN PROCUREMENT FUNCTIONS

Sec. 1214. Section 2311 of title 10, United States Code, is amended—

Contracts.
Ante, p. 1194.

(1) by inserting "(a)" before "Except as provided in"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The head of a procuring activity of an agency named in section 2303 of this title may delegate (subject to his direction) to any general or flag officer, to any civilian officer or employee serving in a position in grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule), or to the head of a contracting office any authority of the head of the procuring activity to enter into a contract (or to approve the authority to enter into a contract) that is a sole-source contract or that results from an unsolicited proposal.

5 USC 5332.

"(2) Any report required to be submitted by the head of an agency to Congress concerning contracts (or negotiations for contracts) above a certain dollar threshold that are sole-source contracts or that result from unsolicited proposals and that are entered into without the approval of certain officials of the procuring activity concerned need not specify a contract or negotiation above the stated amount if the head of the procuring activity, his deputy, or a person to whom authority was delegated under paragraph (1) approved the authority to enter into the contract.".

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

Sec. 1215. Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

98 STAT. 2593

"§ 2317. Encouragement of competition and cost savings

10 USC 2317.

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

IMPROVED PROCUREMENT PROCEDURES

Sec. 1216. (a) Chapter 137 of title 10, United States Code, is amended by adding after section 2317 (as added by section 1215 of this Act) the following new sections:

"§ 2318. Advocates for competition

10 USC 2318.

"(a)(1) In addition to the advocates for competition established or designated pursuant to section 20(a) of the Office of Federal Procurement Policy Act, the Secretary of Defense shall designate an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

Ante, p. 1195.

"(2) The advocate for competition of the Defense Logistics Agency shall carry out the responsibilities and functions provided for in sections 20(b) and 20(c) of the Office of Federal Procurement Policy Act.

"(b) Each advocate for competition of an agency named in section 2303(a) of this title shall be a general or flag officer if a member of the armed forces or a grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule), if a civilian employee and shall be designated to serve for a minimum of two years.

5 USC 5332.

Report.

"(c) Each advocate for competition of an agency of the Department of Defense shall transmit to the Secretary of Defense a report describing his activities during the preceding year. The report of each advocate for competition shall be included in the annual report of the Secretary of Defense required by section 21 of the Office of Federal Procurement Policy Act, in the form in which it was submitted to the Secretary.

Ante, p. 1195.

Contracts.
10 USC 2319.

"§ 2319. Encouragement of new competitors

"(a) In this section, 'qualification requirement' means a requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract.

"(b) Except as provided in subsection (c), the head of the agency shall, before establishing a qualification requirement—

"(1) prepare a written justification stating the necessity for establishing the qualification requirement and specify why the qualification requirement must be demonstrated before contract award;

"(2) specify in writing and make available to a potential offeror upon request all requirements which a prospective offeror, or its product, must satisfy in order to become qualified, such requirements to be limited to those least restrictive to meet the purposes necessitating the establishment of the qualification requirement;

"(3) specify an estimate of the costs of testing and evaluation likely to be incurred by a potential offeror in order to become qualified;

"(4) ensure that a potential offeror is provided, upon request and on a reimbursable basis, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification using qualified personnel and facilities of the agency concerned or of another agency obtained through interagency agreement, or under contract, or other methods approved by the agency (including use of approved testing and evaluation services not provided under contract to the agency);

"(5) if testing and evaluation services are provided under contract to the agency for the purposes of clause (4), provide to the extent possible that such services be provided by a contractor who is not expected to benefit from an absence of additional qualified sources and who shall be required in such contract to adhere to any restriction on technical data asserted by the potential offeror seeking qualification; and

"(6) ensure that a potential offeror seeking qualification is promptly informed as to whether qualification is attained and, in the event qualification is not attained, is promptly furnished specific information why qualification was not attained.

"(c)(1) Subsection (b) of this section does not apply with respect to a qualification requirement established by statute or administrative action before the date of the enactment of the Defense Procurement Reform Act of 1984 unless such requirement is a qualified products list.

Ante, p. 2588.

Waiver.

"(2)(A) Except as provided in subparagraph (B), if it is unreasonable to specify the standards for qualification which a prospective offeror or its product must satisfy, a determination to that effect shall be submitted to the advocate for competition of the procuring activity responsible for the purchase of the item subject to the qualification requirement. After considering any comments of the advocate for competition reviewing such determination, the head of the purchasing office may waive the requirements of clauses (2) through (6) of subsection (b) for up to two years with respect to the item subject to the qualification requirement.

"(B) The waiver authority provided in this paragraph does not apply with respect to a qualified products list.

"(3) A potential offeror may not be denied the opportunity to submit and have considered an offer for a contract solely because the potential offeror (A) is not on a qualified bidders list, qualified manufacturers list, or qualified products list, or (B) has not been identified as meeting a qualification requirement established after the date of the enactment of the Defense Procurement Reform Act of 1984 if the potential offeror can demonstrate to the satisfaction of the contracting officer that the potential offeror or its product meets the standards established for qualification or can meet such standards before the date specified for award of the contract.

"(4) Nothing contained in this subsection requires the referral of an offer to the Small Business Administration pursuant to section 8(b)(7) of the Small Business Act if the basis for the referral is a challenge by the offeror to either the validity of the qualification requirement or the offeror's compliance with such requirement.

15 USC 637.

"(5) The head of an agency need not delay a proposed procurement in order to comply with subsection (b) or in order to provide a potential offeror with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(6) The requirements of subsection (b) also apply before enforcement of any qualified products list, qualified manufacturers list, or qualified bidders list.

98 STAT. 2595

"(d)(1) If the number of qualified sources or qualified products available to compete actively for an anticipated future requirement is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the head of the agency concerned shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification, unless the contracting officer determines that such publication would compromise national security; and

"(B) bear the cost of conducting the specified testing and evaluation (excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated) for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification and which could reasonably be expected to compete for a contract for that requirement, but such costs may be borne only if the head of the agency determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the agency within a reasonable period of time considering the duration and dollar value of anticipated future requirements.

"(2) The head of an agency shall require a prospective contractor requesting the United States to bear testing and evaluation costs under paragraph (1)(B) to certify as to its status as a small business concern under section 3 of the Small Business Act.

15 USC 632.

"(e) Within seven years after the establishment of a qualification requirement under subsection (b) or within seven years following an agency's enforcement of a qualified products list, qualified manufacturers list, or qualified bidders list, any such qualification requirement shall be examined and revalidated in accordance with the requirements of subsection (b). The preceding sentence does not apply in the case of a qualification requirement for which a waiver is in effect under subsection (c)(2).

"(f) Except in an emergency as determined by the head of the agency, whenever the head of the agency determines not to enforce a qualification requirement for a solicitation, the agency may not thereafter enforce that qualification requirement unless the agency complies with the requirements of subsection (b).

"§ 2320. Rights in technical data

Contracts.
Regulations.
10 USC 2320.

"(a) The legitimate proprietary interest of the United States and of a contractor in technical or other data shall be defined in regulations prescribed as part of the single system of Government-wide procurement regulations as defined in section 4(4) of the Office

Ante, p. 1195. Patents and trademarks. Copyrights.

of Federal Procurement Policy Act. Such regulations may not impair any right of the United States or of any contractor with respect to patents or copyrights or any other right in technical data otherwise established by law. The following factors shall be considered in prescribing such regulations:

"(1) Whether the technical data was developed—

"(A) exclusively with Federal funds;

"(B) exclusively at private expense; or

"(C) in part with Federal funds and in part at private expense.

35 USC 200.

"(2) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(3) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

Ante, p. 2588.

"(4) The policy set forth in section 1202(6) of the Defense Procurement Reform Act of 1984.

10 USC 2303.

"(b) Regulations prescribed under subsection (a) shall require that, whenever practicable, a contract for supplies or services entered into by an agency named in section 2303 of this title contain appropriate provisions relating to technical data, including provisions—

"(1) defining the respective rights of the United States and the contractor or subcontractor (at any tier) regarding any technical data to be delivered under the contract;

"(2) specifying the technical data, if any, to be delivered under the contract and delivery schedules for such delivery;

"(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the contract;

"(4) establishing separate contract line items for the technical data, if any, to be delivered under the contract;

"(5) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

"(6) requiring the contractor to revise any technical data delivered under the contract to reflect engineering design changes made during the performance of the contract and affecting the form, fit, and function of the items specified in the contract and to deliver such revised technical data to an agency within a time specified in the contract;

"(7) requiring the contractor to furnish written assurance at the time the technical data is delivered or is made available that the technical data is complete and accurate and satisfies the requirements of the contract concerning technical data;

"(8) establishing remedies to be available to the United States when technical data required to be delivered or made available under the contract is found to be incomplete or inadequate or to not satisfy the requirements of the contract concerning technical data; and

"(9) authorizing the head of the agency to withhold payments under the contract (or exercise such other remedies as the head of the agency considers appropriate) during any period if the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

Ante, p. 2591.

"(c) Nothing in this section or in section 2305(d) of this title prohibits the Secretary of Defense from prescribing standards for determining whether a contract entered into by the Department of Defense shall provide for a time to be specified in the contract after which the United States shall have the right to use (or have used) for any purpose of the United States all technical data required to be delivered to the United States under the contract or providing for such a period of time (not to exceed 7 years) as a negotiation objective.

Business and industry.

"(d) The Secretary of Defense shall by regulation establish programs which provide domestic business concerns an opportunity to purchase or borrow replenishment parts from the United States for the purpose of design replication or modification, to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the United States. Nothing in this subsection limits the authority of the head of an agency to impose restrictions on such a program related to national security considerations, inventory needs of the United States, the improbability of future purchases of the same or like parts, or any additional restriction otherwise required by law.

"§ 2321. Validation of proprietary data restrictions

Contracts. 10 USC 2321.

"(a) A contract for supplies or services entered into by the Department of Defense which provides for the delivery of technical data shall provide that—

"(1) a contractor or subcontractor at any tier shall be prepared to furnish to the contracting officer a written justification for any restriction asserted by the contractor or subcontractor on the right of the United States to use such technical data; and

"(2) the contracting officer may review the validity of any restriction asserted by the contractor or by a subcontractor under the contract on the right of the United States to use technical data furnished to the United States under the contract if the contracting officer determines that reasonable grounds exist to question the current validity of the asserted restriction and that the continued adherence to the asserted restriction by the United States would make it impracticable to procure the item competitively at a later time.

"(b) If after such review the contracting officer determines that a challenge to the asserted restriction is warranted, the contracting officer shall provide written notice to the contractor or subcontractor asserting the restriction. Such notice shall—

"(1) state the grounds for challenging the asserted restriction; and

"(2) require a response within 60 days justifying the current validity of the asserted restriction.

"(c) If a contractor or subcontractor asserting a restriction subject to this section submits to the contracting officer a written request, showing the need for additional time to comply with the requirement to justify the current validity of the asserted restriction, additional time to adequately permit the submission of such justification shall be provided by the contracting officer as appropriate. If a party asserting a restriction receives notices of challenges to restrictions on technical data from more than one contracting officer, and notifies each contracting officer of the existence of more than one challenge, the contracting officer initiating the first in time challenge, after consultation with the party asserting the restriction and the other contracting officers, shall formulate a schedule of responses to each of the challenges that will afford the party asserting the restriction with an equitable opportunity to respond to each such challenge.

"(d)(1) Upon a failure by the contractor or subcontractor to submit any response under subsection (b), the contracting officer shall issue a decision pertaining to the validity of the asserted restriction.

"(2) After review of any justification submitted in response to the notice provided pursuant to subsection (b), the contracting officer shall, within 60 days of receipt of any justification submitted, issue a decision or notify the party asserting the restriction of the time within which a decision will be issued.

Claims.

"(e) If a claim pertaining to the validity of the asserted restriction is submitted in writing to a contracting officer by a contractor or subcontractor at any tier, such claim shall be considered a claim within the meaning of the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

"(f)(1) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is sustained—

"(A) the restriction on the right of the United States to use the technical data shall be cancelled; and

"(B) if the asserted restriction is found not to be substantially justified, the contractor or subcontractor, as appropriate, shall be liable to the United States for payment of the cost to the United States of reviewing the asserted restriction and the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the United States in challenging the asserted restriction, unless special circumstances would make such payment unjust.

"(2) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is not sustained—

"(A) the United States shall continue to be bound by the restriction; and

"(B) the United States shall be liable for payment to the party asserting the restriction for fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the party asserting the restriction in defending the asserted restriction if the challenge by the United States is found not to be made in good faith.

10 USC 2322.

"§ 2322. Limitation on small business set-asides

"(a) The head of an agency may not authorize a procurement to be set-aside for participation only by small business concerns in the case of a procurement under the Foreign Military Sales Program, if the foreign purchaser specifies the sources qualified to meet the requirement and only one of those sources is a small business concern.

Expiration date.

"(b) This section expires two years after the effective date of this section.

10 USC 2323.

"§ 2323. Commercial pricing for supplies

"(a) Except in the case of an offer submitted with a written statement under subsection (b)(2) and except as provided in subsection (c), a contract entered into using other than competitive procedures by an agency named in section 2303(a) of this title for the purchase of items that are offered for sale to the public may not result in a price to the United States that exceeds the lowest price at which such items are sold by the contractor to the public.

"(b) A person who submits an offer to such an agency for the supply of items that it offers for sale to the public (1) shall certify in the offer that the price offered is not more than its lowest commercial price for the items, or (2) shall submit with the offer a written statement specifying the amount of the difference between its lowest commercial price for the items and the price offered and providing a justification for that difference.

98 STAT. 2599

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by subsection (a) for such contract is not appropriate because of—

"(1) national security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) Within 60 days after the date the regulations required by section 2320(a) of title 10, United States Code (as added by subsection (a)), are prescribed, the Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report describing in detail how those regulations give consideration to the factors specified for consideration in that subsection.

Ante, p. 2593.

(c)(1) Section 2318 of title 10, United States Code (as added by subsection (a)), shall take effect on April 1, 1985.

Effective dates. 10 USC 2318 note. 10 USC 2319 note.

(2) Sections 2319, 2320, and 2321 of title 10, United States Code (as added by subsection (a)), shall apply with respect to solicitations issued after the end of the one-year period beginning on the date of the enactment of this Act.

(3) Section 2322 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

10 USC 2322 note.

(4) Section 2323 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

10 USC 2323 note.

CLERICAL AMENDMENTS

SEC. 1217. The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended—

(1) by inserting after the item relating to section 2303 the following new item:

"2303a. Publication of proposed regulations."; and

(2) by adding at the end thereof the following new items:

"2317. Encouragement of competition and cost savings.
"2318. Advocates for competition.
"2319. Encouragement of new competition.
"2320. Rights in technical data.
"2321. Validation of proprietary data restrictions.
"2322. Limitation on small business set-asides.
"2323. Commercial pricing for supplies.".

PART C—AMENDMENTS TO CHAPTER 141 OF TITLE 10, UNITED STATES CODE

IDENTIFICATION OF SOURCES OF SUPPLIES

SEC. 1231. (a) Section 2384 of title 10, United States Code, is amended to read as follows:

98 STAT. 2600

"§ 2384. Supplies: identification of supplier and sources

Contracts

"(a) The Secretary of Defense shall require that the contractor under a contract with the Department of Defense for the furnishing of supplies to the United States shall mark or otherwise identify supplies furnished under the contract with the identity of the contractor, the national stock number for the supplies furnished (if there is such a number), and the contractor's identification number for the supplies.

"(b) The Secretary of Defense shall prescribe regulations requiring that, whenever practicable, each contract requiring the delivery of supplies shall require that the contractor identify—

Regulations.

"(1) the actual manufacturer or producer of the item or of all sources of supply of the contractor for that item;

"(2) the national stock number of the item (if there is such a number) and the identification number of the actual manufacturer or producer of the item or of each source of supply of the contractor for the item; and

"(3) the source of any technical data delivered under the contract.

"(c) Identification of supplies and technical data under this section shall be made in the manner and with respect to the supplies prescribed by the Secretary of Defense.".

(b) The amendment made by subsection (a) shall take effect at the end of the one-year period beginning on the date of the enactment of this Act.

Effective date. 10 USC 2384 note.

REVISION OF LONG-TERM LEASE OR CHARTER AUTHORITY

97 Stat. 679.

SEC. 1232. (a)(1) Subsection (c) of section 2401 of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(c)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(2) Funds appropriated to the Department of Defense pursuant to an authorization contained in the Department of Defense Authorization Act, 1984 (Public Law 98-94), or in any other law enacted after September 24, 1983, may not be used to indemnify any person under the terms of a contract entered into under this section—

97 Stat. 614.

"(A) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

26 USC 1 *et seq.*

"(B) to pay any attorneys' fees in connection with such contract.".

Guidelines.
10 USC 2401 note.

(2) Subsection (f) of such section is amended by striking out the second sentence. The guidelines required to be issued under that subsection shall be issued not later than October 31, 1984.

(b) Section 1202(c)(1) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 681), is amended by striking out "fiscal year 1985," and inserting in lieu thereof "each of fiscal years 1985, 1986, and 1987,".

ECONOMIC ORDER QUANTITIES

SEC. 1233. (a) Chapter 141 of title 10, United States Code, is amended by inserting after section 2384 the following new section:

98 STAT. 2601

10 USC 2384a.

"§ 2384a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303(a) of this title shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency.

"(2) The Secretary of Defense shall take paragraph (1) into account in approving rates of obligation of appropriations under section 2204 of this title.

"(b) Each solicitation for a contract for supplies shall, if practicable, include a provision inviting each offeror responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend a quantity or quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

Effective date.
10 USC 2384a note.

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

ADDITIONAL MISCELLANEOUS PROCUREMENT PROVISIONS

SEC. 1234. (a) Chapter 141 of title 10, United States Code, as amended by section 1005, is amended by adding at the end thereof the following new sections:

10 USC 2402.

"§ 2402. Prohibition of contractors limiting subcontractor sales directly to the United States

"(a) Each contract for the purchase of supplies or services made by the Department of Defense shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) made or furnished by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).

"(b) This section does not prohibit a contractor from asserting rights it otherwise has under law.

"§ 2403. Major weapon systems: contractor guarantees

10 USC 2403.

"(a) In this section:

"(1) 'Weapon system' means items that can be used directly by the armed forces to carry out combat missions and that cost more than $100,000 or for which the eventual total procurement cost is more than $10,000,000. Such term does not include commercial items sold in substantial quantities to the general public.

"(2) 'Prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a weapon system.

"(3) 'Design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the weapon system being produced.

"(4) 'Essential performance requirements', with respect to a weapon system, means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(5) 'Component' means any constituent element of a weapon system.

"(6) 'Mature full-scale production' means the manufacture of all units of a weapon system after the manufacture of the first one-tenth of the eventual total production or the initial production quantity of such system, whichever is less.

"(7) 'Initial production quantity' means the number of units of a weapon system contracted for in the first year of full-scale production.

"(8) 'Head of an agency' has the meaning given that term in section 2302 of this title.

Ante, p. 2589.

"(b) Except as otherwise provided in this section, the head of an agency may not after January 1, 1985, enter into a contract for the production of a weapon system unless each prime contractor for the system provides the United States with written guarantees that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract, at the time it is delivered to the United States, will be free from all defects in materials and workmanship;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet the guarantee specified in clause (1), (2), or (3), the contractor will at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

Prohibition.

"(c) The head of the agency concerned may not require guarantees under subsection (b) from a prime contractor for a weapon system, or for a component of a weapon system, that is furnished by the United States to the contractor.

Waiver.

"(d) Subject to subsection (e)(1), the Secretary of Defense may waive part or all of subsection (b) in the case of a weapon system, or component of a weapon system, if the Secretary determines—

"(1) that the waiver is necessary in the interest of national defense; or

"(2) that a guarantee under that subsection would not be cost-effective.

Prohibition.

The Secretary may not delegate authority under this subsection to any person who holds a position below the level of Assistant Secretary of Defense or Assistant Secretary of a military department.

"(e)(1) Before making a waiver under subsection (d) with respect to a weapon system that is a major defense acquisition program for the purpose of section 139a of this title, the Secretary of Defense shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives in writing of his intention to waive any or all of the requirements of subsection (b) with respect to that system and shall include in the notice an explanation of the reasons for the waiver.

10 USC 139a.

Report.

"(2) Not later than February 1 of each year, the Secretary of Defense shall submit to the committees specified in paragraph (1) a report identifying each waiver made under subsection (d) during the preceding calendar year for a weapon system that is not a major defense acquisition program for the purpose of section 139a of this title and shall include in the report an explanation of the reasons for the waivers.

"(f) The requirement for a guarantee under subsection (b)(3) applies only in the case of a contract for a weapon system that is in mature full-scale production. However, nothing in this section prohibits the head of the agency concerned from negotiating a guarantee similar to the guarantee described in that subsection for a weapon system not yet in mature full-scale production. When a contract for a weapon system not yet in mature full-scale production is not to include the full guarantee described in subsection (b)(3), the Secretary shall comply with the notice requirements of subsection (e).

"(g) Nothing in this section prohibits the head of the agency concerned from—

"(1) negotiating the specific details of a guarantee, including reasonable exclusions, limitations and time duration, so long as the negotiated guarantee is consistent with the general requirements of this section;

"(2) requiring that components of a weapon system furnished by the United States to a contractor be properly installed so as not to invalidate any warranty or guarantee provided by the manufacturer of such component to the United States;

"(3) reducing the price of any contract for a weapon system or other defense equipment to take account of any payment due from a contractor pursuant to subclause (B) of subsection (b)(4);

"(4) in the case of a dual source procurement, exempting from the requirements of subsection (b)(3) an amount of production by the second source contractor equivalent to the first one-tenth of the eventual total production by the second source contractor; and

"(5) using written guarantees to a greater extent than required by this section, including guarantees that exceed those in clauses (1), (2), and (3) of subsection (b) and guarantees that provide more comprehensive remedies than the remedies specified under clause (4) of that subsection.

"(h)(1) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

Regulation.

"(2) This section does not apply to the Coast Guard or to the National Aeronautics and Space Administration.

"§ 2404. Acquisition of petroleum: authority to waive contract procedures

10 USC 2404.

"(a) The Secretary of Defense may, for any purchase of petroleum, waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and conditions to be included in contracts, or regulating the performance of contracts if the Secretary determines—

"(1) that petroleum market conditions have adversely affected (or will in the near future adversely affect) the acquisition of petroleum by the Department of Defense; and

"(2) the waiver will expedite or facilitate the acquisition of petroleum for Government needs.

"(b) A waiver under subsection (a) may be made with respect to a particular contract or with respect to classes of contracts. Such a waiver that is applicable to a contract for the purchase of petroleum may also be made applicable to a subcontract under that contract.

"(c) The Secretary of Defense may acquire petroleum by exchange of petroleum or petroleum derivatives.

"(d) The Secretary of Defense shall notify the Congress within 10 days of the date on which any waiver is made under this section and of the reasons for the necessity of exercising such waiver.

"(e) In this section, 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

"§ 2405. Limitation on adjustment of shipbuilding contracts

10 USC 2405.

"(a) The Secretary of a military department may not adjust any price under a shipbuilding contract entered into after December 7, 1983, for an amount set forth in a claim, request for equitable adjustment, or demand for payment under the contract (or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand) arising out of events occurring more than 18 months before the submission of the claim, request, or demand.

"(b) For the purposes of subsection (a), a claim, request, or demand shall be considered to have been submitted only when the contractor has provided the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)) and the supporting data for the claim, request, or demand.".

(b)(1) Effective on January 1, 1985, section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1454), is repealed.

Effective dates.
Repeals.
10 USC 2304 note.

(2) Effective on the date of the enactment of this Act, section 787 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1453), is repealed.

10 USC 2304 note.

(c) Section 2402 of title 10, United States Code (as added by subsection (a)), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

10 USC 2402 note.

CLERICAL AMENDMENTS

SEC. 1235. The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2384 and inserting in lieu thereof the following:

"2384. Supplies: identification of supplier and sources.
"2384a. Supplies: economic order quantities."; and

98 STAT. 2605

(2) by adding at the end thereof the following new item:

"2402. Prohibition of contractors limiting subcontractor sales directly to the United States.
"2403. Major weapon systems: contractor guarantees.
"2404. Acquisition of petroleum: authority to waive contract procedures.
"2405. Limitation on adjustment of shipbuilding contracts.".

PART D—OTHER PROCUREMENT PROVISIONS

COOPERATIVE AGREEMENTS FOR PROCUREMENT TECHNICAL ASSISTANCE

SEC. 1241. (a)(1) Title 10, United States Code, is amended by inserting after chapter 141 the following new chapter:

"CHAPTER 142—PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

"Sec.
"2411. Definitions.
"2412. Purposes.
"2413. Cooperative agreements.
"2414. Limitation.
"2415. Distribution.
"2416. Regulations.

10 USC 2411.

"§ 2411. Definitions

"In this chapter:

"(1) 'Eligible entity' means a State (as defined in section 6302(5) of title 31), a local government (as defined in section 6302(2) of that title), or a private, nonprofit organization that enters into a cooperative agreement with the Secretary under this chapter to furnish procurement technical assistance to business entities and to defray at least one-half of the costs of furnishing such assistance.

"(2) 'Secretary' means the Secretary of Defense acting through the Director of the Defense Logistics Agency.

10 USC 2412.

"§ 2412. Purposes

"The purposes of the program authorized by this chapter are—

"(1) to increase Department of Defense assistance for eligible entities furnishing procurement technical assistance to business entities; and

"(2) to assist eligible entities in the payment of the costs of establishing and carrying out new procurement technical assistance programs and maintaining existing procurement technical assistance programs.

10 USC 2413.

"§ 2413. Cooperative agreements

"(a) The Secretary may, in accordance with the provisions of this chapter, enter into cooperative agreements with eligible entities to carry out the purposes of this chapter.

"(b) In entering into cooperative agreements under subsection (a), the Secretary shall assure that at least one procurement technical assistance program is carried out in each Department of Defense contract administration services region during each fiscal year.

98 STAT. 2606

10 USC 2414.

"§ 2414. Limitation

"The value of the assistance furnished by the Department of Defense to any eligible entity to carry out a procurement technical assistance program pursuant to a cooperative agreement under this chapter during any fiscal year may not exceed $150,000.

"§ 2415. Distribution

10 USC 2415.

"(a)(1) During a fiscal year specified in paragraph (2), the Secretary shall reserve the applicable percentage prescribed in paragraph (2), out of funds appropriated to carry out this chapter in such fiscal year, for the purpose of furnishing assistance pursuant to cooperative agreements entered into under section 2413 of this title with eligible entities which have carried out a procurement technical assistance program before such fiscal year. The Secretary may use the remainder of such funds during such fiscal year for the purpose of furnishing assistance pursuant to cooperative agreements entered into under such section with eligible entities which have not carried out a procurement technical assistance program before such fiscal year.

Ante, p. 2605.

"(2) For the purposes of paragraph (1), the applicable percentage during fiscal year 1985 is 50 percent and during fiscal year 1986 is 75 percent.

"(b) During any fiscal year after fiscal year 1986, the Secretary shall allocate assistance under this chapter in accordance with such cooperative agreements as the Secretary enters into pursuant to section 2413 of this title.

"§ 2416. Regulations

10 USC 2416.

"The Secretary of Defense shall prescribe regulations to carry out this chapter.".

(2) The table of chapters at the beginning of subtitle A of such title and at the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 141 the following new item:

"142. Procurement Technical Assistance Cooperative Agreement Program...... 2411".

(b)(1) There are authorized to be appropriated $2,000,000 for fiscal year 1985 to be available for the purpose of furnishing assistance to carry out procurement technical assistance programs pursuant to cooperative agreements under chapter 142 of title 10, United States Code (as added by subsection (a)).

Appropriation authorizations.

Ante, p. 2605.

(2) There are authorized to be appropriated for fiscal year 1985 such additional sums as are necessary to defray the expenses of administering the provisions of such chapter during such fiscal year, including the expenses related to the employment of any additional personnel necessary to administer such provisions.

REVISION OF REQUIREMENTS FOR SELECTED ACQUISITION REPORTS AND UNIT COST REPORTS

SEC. 1242. (a) Section 139a of title 10, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by striking out "procurement funds appropriated" and inserting in lieu thereof "funds programed to be available for obligation for procurement"; and

(B) by striking out "of funds appropriated" and inserting in lieu thereof "of funds programed to be available for obligation";

(2) by inserting "and that is in excess of $2,000,000" after "dollar amount" in subsection (a)(4);

(3) in subsection (b)(2), by striking out "there has been no" and all that follows and inserting in lieu thereof "during the period since that report there has been—

"(A) less than a 5 percent change in total program cost; and

"(B) less than a three-month delay in any program schedule milestone shown in the Selected Acquisition Report.";

(4) in subsection (f)—

(A) by striking out "30" the first place it appears and inserting in lieu thereof "60";

(B) by striking out "30" the second place it appears and inserting in lieu thereof "45"; and

Report.

(C) by striking out the second sentence and inserting in lieu thereof the following: "A preliminary report shall be submitted for each annual Selected Acquisition Report within 30 days of the date on which the President submits the Budget to Congress."; and

(5) by adding at the end thereof the following new subsection:

Expiration date.

"(g) The requirements of this section with respect to a major defense acquisition program shall cease to apply after 90 percent of the items to be delivered to the United States under the program (shown as the total quantity of items to be purchased under the program in the most recent Selected Acquisition Report) have been delivered or 90 percent of planned expenditures under the program have been made.".

Reports.

(b)(1) Subsection (a) of section 139b of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) 'Baseline Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means—

"(A) the most recent unit cost report submitted under subsection (e)(2)(B)(ii) with respect to the program, if that report was submitted for the second, third, or fourth quarter of the preceding fiscal year;

"(B) if no report was submitted under subsection (e)(2)(B)(ii) with respect to the program during that three-quarter period, the most recent unit cost report submitted under subsection (e)(1) with respect to the program, if that report was submitted during that three-quarter period; and

"(C) if no report was submitted with respect to the program under subsection (e)(1) or (e)(2)(B)(ii) during that three-quarter period, the baseline Selected Acquisition Report.".

(2) Subsection (b) of such section is amended—

(A) by striking out "not more than 7 days";

(B) by inserting after the first sentence the following new sentence: "Each report for the first quarter of a fiscal year shall be submitted not more than 7 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each report for other quarters shall be submitted not more than 7 days after the end of that quarter."; and

98 STAT. 2608

(C) by striking out "baseline Selected Acquisition Report" in paragraph (3) and inserting in lieu thereof "Baseline Report".

(3) Clauses (A) and (B) of subsection (c)(1) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(4)(A) Paragraphs (1) and (2) of subsection (d) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(B) Paragraph (3)(B) of such subsection is amended—

(i) by striking out "additional funds may not be obligated in connection with such program" and inserting in lieu thereof "funds appropriated for military construction, for research, development, test, and evaluation, and for procurement may not be obligated for a major contract under the program"; and

(ii) by striking out "but less than 25 percent" in subclause (i).

(5) Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(i)"; and

(ii) by inserting "more than" before "15 percent";

(B) in paragraph (2)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(ii)";

(ii) by inserting "more than" before "25 percent";

(iii) by inserting in clause (A) "and the Secretary concerned submits to Congress, before the end of the 30-day period referred to in subsection (d)(3)(B)(i), a report containing the information described in subsection (g)" after "acquisition program"; and

(iv) by striking out "such subsection" in clause (B) and inserting in lieu thereof "subsection (d)(3)(B)(ii)"; and

(C) by striking out "in the case of" in paragraph (3) and all that follows and inserting in lieu thereof "at the end of a period of 30 days of continuous session of Congress (as determined under section 7307(b)(2) of this title) beginning on the date—

"(A) on which Congress receives the report of the Secretary concerned under paragraph (1) or (2)(B)(ii) with respect to that program, in the case of a determination of a more than 15 percent increase (as determined in subsection (d)); or

"(B) on which Congress has received both the report of the Secretary concerned under paragraph (1) or (2)(B)(ii) and the certification of the Secretary of Defense under paragraph (2)(B)(i) with respect to that program, in the case of a more than 25 percent increase (as determined under subsection (d)).".

(6) Subsection (g)(1) of such section is amended—

(A) by striking out clause (I) and inserting in lieu thereof the following:

"(I) The type of the Baseline Report (under subsection (a)(4)) and the date of the Baseline Report."; and

(B) in clause (K), by inserting "and the procurement unit cost for the succeeding fiscal year expressed in constant base-year dollars and in current year dollars" after "current dollars". 98 STAT. 2609

DURATION OF ASSIGNMENT OF PROGRAM MANAGERS FOR MAJOR PROGRAMS

10 USC 139a note.

SEC. 1243. (a) The tour of duty of an officer of the Armed Forces assigned after the date of the enactment of this Act as a program manager of a major defense acquisition program (as defined in section 139a(a) of title 10, United States Code) shall be (1) not less than four years, or (2) until completion of a major program milestone (as defined in regulations prescribed by the Secretary of Defense).

Waiver.
Prohibition.

(b) The Secretary of the military department concerned may waive the length of the tour of duty prescribed in subsection (a). Such authority may not be delegated.

AUTHORITY TO WAIVE COMPLIANCE WITH CERTAIN REQUIREMENTS PROVIDED FOR IN REGULATIONS RELATING TO PRICES OF SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. 1244. Section 1215(b) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 2452 note), is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary may provide in such regulations for the waiver of the prohibition in subsection (a)(1) and compliance with the requirements of subsection (a)(2) in the case of a purchase of any spare part or replacement equipment made or to be made through competitive procedures.".

REGULATIONS FOR ALLOCATING OVERHEAD TO PARTS TO WHICH THE PRIME CONTRACTOR HAS ADDED LITTLE VALUE

SEC. 1245. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe by regulation the manner in which the Department of Defense negotiates prices for supplies to be obtained through the use of procedures other than competitive procedures, as defined in section 4(6) of the Office of

Ante, p. 1195.

Federal Procurement Policy Act (41 U.S.C. 403(6)). Such revision shall specify the incurred overhead a contractor may appropriately allocate to such supplies and shall require the contractor to identify those supplies which it did not manufacture or to which it did not contribute significant value. Nothing in this section requires the submission of cost or pricing data not otherwise required by law.

PART E—TEMPORARY PROVISIONS, REPORTS, AND EFFECTIVE DATES

REPORT ON IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE GRACE COMMISSION

SEC. 1251. Not later than March 31, 1985, the Secretary of Defense shall submit to Congress a report assessing the recommendations of the President's Private Sector Survey on Cost Control (commonly referred to as the "Grace Commission") concerning—

(1) the system of making progress payments to defense contractors to offset high interest rates and inflation; and

(2) modernization of automated data processing systems in order to achieve more effective control of Department of Defense supply inventories.

98 STAT. 2610

PLANS FOR MANAGEMENT OF TECHNICAL DATA AND COMPUTER CAPABILITY IMPROVEMENTS

10 USC 139 note.

SEC. 1252. (a)(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for an improved system for the management of technical data relating to any major system of the Department of Defense. At a minimum, the management plan shall address procedures for—

(A) indexing, storing, and updating items of technical data in a system;

(B) developing, to the maximum extent practicable, a centralized system to identify the repository within the department responsible for technical data relating to an item and the extent of the data on file in that repository with respect to that item; and

(C) assuring that those parties otherwise entitled to receive technical data will have timely access to complete and current technical data.

(2) Not later than 5 years after the date of the enactment of this Act, the Secretary shall complete implementation of the management plan required to be developed by paragraph (1).

Report.

(3) Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to Congress a report evaluating the plan developed by the Secretary of Defense under paragraph (1).

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives a plan to improve substantially the computer capability of each of the military departments and of the Defense Logistics Agency to store and access rapidly data that is needed for the efficient procurement of supplies. The plan shall provide for a computer data base that includes price and procurement history, item identification, sources of supply, and other relevant information. The plan shall specify a schedule for the implementation of the improvements, the projected cost of implementation of the improvements, and such other recommendations as the Secretary of Defense considers appropriate to accomplish the improvements.

REPORT ON USE OF INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1253. Not later than May 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the continued use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall be a follow-on to the report required by section 1203(c) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 10 U.S.C. 1039 note), and shall include an overall assessment of the extent to which such estimates were adopted by the Department of Defense in making decisions on the fiscal year 1986 budget and a general explanation of why such estimates might have been modified or rejected. The Secretary shall also include in the report a statement as to whether adequate personnel and financial resources have been allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

97 Stat. 683.
10 USC 139c note.

98 STAT. 2611

ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIALS TO RELIEVE ECONOMIC DISLOCATIONS

Effective dates.
97 Stat. 683.

SEC. 1254. (a) Effective on October 1, 1984, section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended—

(1) by striking out "fiscal years 1983 and 1984" each place it appears and inserting in lieu thereof "fiscal years 1983, 1984, and 1985"; and

(2) by striking out "and April 15, 1984," in the first sentence of subsection (b) and inserting in lieu thereof ", April 15, 1984, and April 15, 1985".

(b) Effective as of October 1, 1982, such section is amended by striking out "section 2892" and inserting in lieu thereof "section 2392".

TITLE XIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

JOINT CHIEFS OF STAFF REORGANIZATION

SEC. 1301. (a)(1) Subsection (a) of section 124 of title 10, United States Code, is amended by striking out "shall" in clause (2).

(2) Subsection (c) of such section is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Subject to the authority, direction, and control of the Secretary, the Chairman acts as the spokesman for the commanders of the combatant commands on operational requirements.".

10 USC 142.

(b) Section 142(b)(2) of such title is amended—

(1) by striking out "and assist" and inserting in lieu thereof "(including any subject for the agenda recommended by the Joint Chiefs of Staff), assist"; and

(2) by striking out "practicable" and inserting in lieu thereof "practicable, and determine when issues under consideration shall be decided".

(c)(1) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)(1) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Chairman of the Joint Chiefs of Staff. The Joint Staff shall be selected in approximately equal numbers from—

"(A) the Army;
"(B) the Navy and the Marine Corps; and
"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.".

98 STAT. 2612

(2) Subsection (b) of such section is amended by striking out the second and third sentences.

(3) Such section is further amended by adding at the end thereof the following new subsection:

"(e) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary. This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.".

Prohibition.

(d)(1) Chapter 36 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 646.

"§ 646. Consideration of performance as a member of the Joint Staff

"The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the Army, Navy, Air Force, and Marine Corps concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.".

(2) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end thereof the following new item:

"646. Consideration of performance as a member of the Joint Staff.".

REDUCTION IN HEADQUARTERS STAFFS

Sec. 1302. (a) Not later than September 30, 1985, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the agencies of the Department of Defense and the military departments to perform management headquarters activities or management headquarters support activities by a number that is at least 2 percent below the total number of personnel requested by the President for fiscal year 1985 to perform such activities.

(b) The number of military and civilian personnel assigned to the Office of the Secretary of Defense as of September 30, 1985, may not exceed 1,730. However, if the Secretary of Defense determines that such action is necessary in the national interest, the Secretary may increase the number specified in the limitation in the preceding sentence, but such number may not be increased by more than 2 percent. The Secretary shall promptly notify the Congress of any exercise of such authority.

(c) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a).

(d) For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 5100.73 entitled "Department of Defense Management Headquarters and Headquarters Support", dated March 12, 1981.

98 STAT. 2613

REPORT ON SIZE OF SERVICE SECRETARIATS

Sec. 1303. Not later than December 15, 1984, the Secretary of Defense shall submit a report to Congress on the reasons for the disparity in size among the Offices of the Secretaries of the military departments and particularly on the reasons for the size of the

Office of the Secretary of the Navy compared to the size of the Office of the Secretary of the Army and of the Secretary of the Air Force. For the purposes of this section, the Office of a Secretary of a military department includes the Secretary, the Under Secretary, the Assistant Secretaries of the military department, their staffs, and other elements of the executive parts of the military department.

IMPLEMENTATION OF CERTAIN PERSONNEL POLICIES

Prohibition.

SEC. 1304. No funds appropriated to the Department of Defense may be used before July 1, 1985, to comply with the regulation of the Office of Personnel Management referred to as Basic Installment 311 of the Federal Personnel Manual (issued by the Office of Personnel Management on January 6, 1984), concerning personnel suitability, personnel security, personnel investigations, and suitability disqualification actions.

EXPANSION OF AUTHORITY FOR COLLECTION OF DEBTS FROM MEMBERS OF THE ARMED FORCES

SEC. 1305. Section 1007(c) of title 37, United States Code, is amended by striking out "an enlisted member of the Army or the Air Force" and inserting in lieu thereof "a member of the armed forces".

INCREASED COAST GUARD MEMBERSHIP ON THE RESERVE FORCES POLICY BOARD

SEC. 1306. Section 175(b) of title 10, United States Code, is amended by striking out "an officer of the Regular Coast Guard or the Coast Guard Reserve" and inserting in lieu thereof "two officers of the Coast Guard, regular or reserve,".

LIMITATION ON USE OF FUNDS FOR CONDUCTING POLYGRAPH EXAMINATIONS; REPORT

SEC. 1307. (a) None of the funds appropriated pursuant to an authorization of appropriations contained in this or any other Act may be used for the purpose of implementing any revision of Department of Defense Directive 5210.48, dated October 6, 1975, relating to polygraph examinations and examiners except for the conduct of a test program involving not more than 3,500 persons.

(b) Not later than December 31, 1985, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of polygraph examinations administered by or for the Department of Defense during the fiscal year 1985. The report shall include the number of polygraph examinations conducted, a description of the purposes and results of such examinations, and an explanation of the uses made of the results of the examinations, as well as detailed reports on those cases in which more than two examinations were needed to attempt to resolve discrepancies.

98 STAT. 2614

(c) This section does not apply—

(1) in the case of any individual assigned to, or detailed to, the Central Intelligence Agency or to any expert or consultant under a contract with the Central Intelligence Agency;

(2) in the case of any individual employed by, assigned to, or detailed to, the National Security Agency, any expert or consultant under a contract with the National Security Agency, or any employee of a contractor of the National Security Agency; or

(3) in the case of any individual applying for a position in the National Security Agency.

Expiration date.

(d) The provisions of subsection (a) shall expire on September 30, 1985.

TITLE XIV—CODIFICATION OF CERTAIN RECURRING AND PERMANENT PROVISIONS OF LAW

AMENDMENTS TO TITLE 10, UNITED STATES CODE

SEC. 1401. (a)(1) Chapter 31 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 520b.

"§ 520b. Applicants for enlistment: authority to use funds for the issue of authorized articles

"Funds appropriated to the Department of Defense may be used for the issue of authorized articles to applicants for enlistments.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"520b. Applicants for enlistments: authority to use funds for the issue of authorized articles.".

(b)(1) Chapter 48 of such title is amended by adding at the end thereof the following new section:

10 USC 956.

"§ 956. Deserters, prisoners, members absent without leave: expenses and rewards

"Funds appropriated to the Department of Defense may be used for the following purposes:

"(1) Expenses for the apprehension and delivery of deserters, prisoners, and members absent without leave, including the payment of rewards, in an amount not to exceed $75, for the apprehension of any such person.

"(2) Expenses of prisoners confined in nonmilitary facilities.

"(3) Payment of a gratuity of not to exceed $25 to each prisoner upon release from confinement in a military or contract prison facility.

"(4) The issue of authorized articles to prisoners and other persons in military custody.

"(5) Under such regulations as the Secretary concerned may prescribe, expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in the custody of the Army, Navy, or Air Force whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in the custody of the Army, Navy, or Air Force pursuant to Presidential proclamation.".

98 STAT. 2615

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"956. Deserters, prisoners, members absent without leave: expenses and rewards.".

(c)(1) Chapter 49 of such title is amended by adding at the end thereof the following new sections:

10 USC 979.

"§ 979. Prohibition on loan and grant assistance to persons convicted of certain crimes

"Funds appropriated to the Department of Defense may not be used to provide a loan, a guarantee of a loan, or a grant to any person who has been convicted by a court of general jurisdiction of any crime which involves the use of (or assisting others in the use of) force, trespass, or the seizure of property under the control of an institution of higher education to prevent officials or students of the institution from engaging in their duties or pursuing their studies.

10 USC 980.

"§ 980. Limitation on use of humans as experimental subjects

"Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

"(1) the informed consent of the subject is obtained in advance; or

"(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

"§ 981. Limitation on number of enlisted aides 10 USC 981.

"(a) Subject to subsection (b), the total number of enlisted members that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during a fiscal year is the number equal to the sum of (1) four times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral, and (2) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.

"(b) Not more than 300 enlisted members may be assigned to duty at any time as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"979. Prohibition on loan and grant assistance to persons convicted of certain crimes.
"980. Limitation on use of humans as experimental subjects.
"981. Limitation on number of enlisted aides.".

(d)(1) Chapter 53 of such title is amended by adding after section 1046 (as added by section 708) the following new sections:

"§ 1047. Allowance for civilian clothing 10 USC 1047.

"The Secretary of the military department concerned may furnish civilian clothing, at a cost of not more than $40, to an enlisted member who is—

"(1) discharged for misconduct or unsuitability or under conditions other than honorable;

"(2) sentenced by a civil court to confinement in a prison; 98 STAT. 2616

"(3) interned or discharged as an alien enemy; or

"(4) discharged before completion of recruit training under honorable conditions for dependency, hardship, minority, or disability or for the convenience of the Government.

"§ 1048. Gratuity payment to persons discharged for fraudulent enlistment 10 USC 1048.

"The Secretary concerned may pay a gratuity of not to exceed $25 to a person discharged for fraudulent enlistment.

"§ 1049. Subsistence: miscellaneous persons 10 USC 1049.

"The following persons may be provided subsistence at the expense of the United States:

"(1) Enlisted members while sick in hospitals.

"(2) Applicants for enlistment and selective service registrants called for induction.

"(3) Prisoners.

"(4) Civilian employees, as authorized by law.

"(5) Supernumeraries, when necessitated by emergent military circumstances.

"§ 1050. Latin American cooperation: payment of personnel expenses 10 USC 1050.

"The Secretary of a military department may pay the travel, subsistence, and special compensation of officers and students of Latin American countries and other expenses that the Secretary considers necessary for Latin American cooperation.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1046 (as added by section 708) the following new items:

"1047. Allowance for civilian clothing.
"1048. Gratuity payment to persons discharged for fraudulent enlistment.
"1049. Subsistence: miscellaneous persons.
"1050. Latin American cooperation: payment of personnel expenses.".

Repeal.
10 USC 7208.

(3)(A) Section 7208 of such title is repealed.

(B) The table of sections at the beginning of chapter 631 is amended by striking out the item relating to section 7208.

10 USC 1074.

(e)(1) Section 1074 of such title is amended by adding at the end thereof the following new subsection:

"(c) Funds appropriated to a military department may be used to provide medical and dental care to persons entitled to such care by law or regulations, including the provision of such care (other than elective private treatment) in private facilities for members of the armed forces.".

(2)(A) Chapter 55 of such title is amended by inserting after section 1074a the following new section:

10 USC 1074b.

"§ 1074b. Medical care: authority to provide a wig

"A person entitled to medical care under this chapter who has alopecia resulting from the treatment of a malignant disease may be furnished a wig if the person has not previously been furnished one at the expense of the United States.".

(B) The table of sections at the beginning of such chapter is amended by inserting below the item relating to item 1074 the following new item:

98 STAT. 2617

"1074b. Medical care: authority to provide a wig.".

10 USC 1077.

(3) Section 1077(b) of such title is amended by adding at the end thereof the following new paragraph:

"(3) The elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.".

97 Stat. 648.

(4)(A) Section 1079(a) of such title is amended—

(i) by striking out "and" at the end of clause (5);

(ii) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(iii) by adding after clause (6) the following new clauses:

"(7) services in connection with nonemergency inpatient hospital care may not be provided if such services are available at a facility of the uniformed services located within a 40-mile radius of the residence of the patient, except that such services may be provided in any case in which another insurance plan or program pays for at least 75 percent of the services;

"(8) services of pastoral counselors, family and child counselors, or marital counselors may not be provided unless the patient has been referred to the counselor by a medical doctor for treatment of a specific problem with the results of that treatment to be communicated back to the medical doctor who made the referral;

"(9) special education may not be provided, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis;

"(10) therapy or counseling for sexual dysfunctions or sexual inadequacies may not be provided;

"(11) treatment of obesity may not be provided if obesity is the sole or major condition treated;

"(12) surgery which improves physical appearance but is not expected to significantly restore functions (including mammary augmentation, face lifts, and sex gender changes) may not be provided, except that—

"(A) breast reconstructive surgery following a mastectomy may be provided;

"(B) reconstructive surgery to correct serious deformities caused by congenital anomalies or accidental injuries may be provided; and

"(C) neoplastic surgery may be provided;

"(13) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, may not be provided, except as authorized in clause (4); and

"(14) the prohibition contained in section 1077(b)(3) of this title shall not apply in the case of a member or former member of the uniformed services.". *Supra.*

(B) Paragraph (2) of section 1079(h) of such title is amended by striking out the second sentence and inserting in lieu thereof the following: "The Secretary of Defense shall adjust the base period as frequently as he considers appropriate.". 10 USC 1079.

(5)(A) Chapter 55 of such title is further amended by adding at the end thereof the following new section:

"§ 1093. Restriction on use of funds for abortions 10 USC 1093.

"Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1093. Restriction on use of funds for abortions.".

(f)(1) Chapter 81 of such title is amended by adding at the end thereof the following new section:

"§ 1589. Prohibition on payment of lodging expenses when adequate Government quarters are available 10 USC 1589.

"(a) Funds available to the Department of Defense (including funds in any working-capital fund) may not be used to pay the lodging expenses of a civilian employee of the Department of Defense while such employee is on official business away from his designated post of duty or, in the case of a person referred to in section 5703 of title 5, while such person is away from his home or regular place of duty, when adequate Government quarters are available but are not occupied by such employee or person. 5 USC 5703.

"(b) Subsection (a) does not apply during a fiscal year to an employee whose duties can be expected to require official travel during more than one-half of the number of the basic administrative work weeks during that fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"1589. Prohibition on payment of lodging expenses when adequate Government quarters are available.".

(g)(1) Chapter 101 of such title is amended by adding after section 2006 (as added by section 706(a)(1)) the following new sections:

"§ 2007. Limitation on payment of tuition for off-duty training or education 10 USC 2007.

"(a) The Secretary of a military department may not pay more than 75 percent of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such institution for education or training during his off-duty periods, except that—

"(1) in the case of an enlisted member in the pay grade of E-5 or higher with less than 14 years' service, not more than 90 percent of the charges may be paid;

"(2) in the case of a member enrolled in a high school completion program, all of the charges may be paid; and

"(3) in the case of a commissioned officer, no part of the charges may be paid unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education.

"(b) The limitation in subsection (a) does not apply to the Program for Afloat College Education.

10 USC 2008.

"§ 2008. Authority to use funds for certain educational purposes

"Funds appropriated to the Department of Defense may be used to carry out section 10 of the Act of September 23, 1950 (20 U.S.C. 640), 98 STAT. 2619 relating to impact aid authorization.

10 USC 2009.

"§ 2009. Military colleges: female students

"(a) Under regulations prescribed by the Secretary of Defense, any college or university designated by the Secretary of Defense as a military college shall, as a condition of maintaining such designation, provide that qualified female undergraduate students enrolled in such college or university be eligible to participate in military training at such college or university.

Prohibition.

"(b) Regulations prescribed under subsection (a) may not require a college or university, as a condition of maintaining its designation as a military college or for any other purpose, to require female undergraduate students enrolled in such college or university to participate in military training.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2006 (as added by section 706(a)(2)) the following new items:

"2007. Limitation on payment of tuition for off-duty training or education.
"2008. Authority to use funds for certain educational purposes.
"2009. Military colleges: female students.".

10 USC 2104.

(h) Section 2104(b) of such title is amended—

(1) by striking out "and" at the end of clause (5);

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) by inserting after clause (6) the following new clause:

"(7) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.".

(i)(1) Chapter 147 of such title is amended by adding at the end thereof the following new section:

10 USC 2484.

"§ 2484. Commissary stores: expenses

"(a) Except to the extent authorized in regulations prescribed by the Secretary of a military department and approved by the Secretary of Defense and except as provided in subsection (b), funds available to the Department of Defense may not be used to pay, in connection with the operation of any commissary store—

"(1) the cost of purchases (including commercial transportation in the United States to the place of sale) and the cost of maintenance of operating equipment and supplies;

"(2) the actual or estimated cost of utilities furnished by the United States;

"(3) the actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of the commissary store; or

"(4) costs incurred in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons by the commissary store (or other entity acting on behalf of the commissary store).

"(b) Appropriated funds may be used to pay any costs described in subsection (a) but only to the extent that appropriation accounts used to pay such costs are reimbursed for the payment of such costs, including, in the case of any costs incurred in connection with discount coupons referred to in subsection (a)(4), all fees or moneys received for handling or processing such coupons. The sales prices in commissary stores shall be adjusted to the extent necessary to provide sufficient gross revenues from the sales of such stores to 98 STAT. 2620 make such reimbursements. Such adjustments shall be made under regulations prescribed by the Secretary of the military department concerned and approved by the Secretary of Defense.

"(c) Under regulations prescribed by the Secretary of Defense, utilities may be furnished without cost to a commissary store outside the United States or in Alaska or Hawaii.

"(d) Transportation outside the United States may be furnished in connection with the operation of commissary stores outside the United States.". Transportation.

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2484. Commissary stores: expenses.".

(j)(1) Chapter 157 of such title is amended by adding after section 2637 (as added by section 614) the following new sections:

"§ 2638. Transportation of civilian clothing of enlisted members 10 USC 2638.

"The Secretary of the military department concerned may provide for the transportation of the civilian clothing of any person entering the armed forces as an enlisted member to the member's home of record.

"§ 2639. Transportation to and from school for certain minor dependents 10 USC 2639.

"Funds appropriated to the Department of Defense may be used to provide minor dependents of members of the armed forces and of civilian officers and employees of the Department of Defense with transportation to and from primary and secondary schools if the schools attended by the dependents are not accessible by regular means of transportation.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2637 (as added by section 614) the following new items:

"2638. Transportation of civilian clothing of enlisted members.
"2639. Transportation to and from school for certain minor dependents.".

(3)(A) Section 7204(a) of such title is amended— 10 USC 7204.

(i) by striking out "may—" and inserting in lieu thereof "may";

(ii) by striking out "(1)";

(iii) by redesignating subclauses (A), (B), (C), and (D) as clauses (1), (2), (3), and (4), respectively;

(iv) by striking out "; and" at the end of clause (1) and inserting in lieu thereof a period; and

(v) by striking out clause (2).

(B) The heading of section 7204 of such title is amended to read as follows: 10 USC 7204.

"§ 7204. Schools near naval activities: financial aid".

(B) The item relating to such section in the table of sections at the beginning of chapter 631 of such title is amended to read as follows:

"7204. Schools near naval activities: financial aid.".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

SEC. 1402. (a) Section 206 of title 37, United States Code, is amended by adding at the end thereof the following new subsection: 98 STAT. 2621

"(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.". National Guard. Uniformed Services.

(b)(1) Chapter 5 of such title is amended by inserting after section 306 the following new section:

37 USC 306a.

"§ 306a. Special pay: members assigned to international military headquarters

"Not more than nine members of the armed forces, including members detailed to international military headquarters, may be paid pay and allowances at rates referred to in section 625(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(d)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 306 the following new item:

"306a. Special pay: members assigned to international military headquarters.".

37 USC 404.

(c) Section 404 of such title is amended by adding at the end thereof the following new subsection:

Prohibition.

"(g) In the case of an enlisted member who is in a travel status and not entitled to receive per diem in lieu of subsistence for any day (or portion of a day) because the member is furnished meals in a Government mess, the member may not be paid a basic allowance for subsistence for such day (or portion of such day) that the member is furnished meals in a Government mess.".

REPEAL PROVISIONS

10 USC 138 note.

Sec. 1403. (a)(1) Section 706 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1437), is repealed.

10 USC 138 note.

(2) Section 735 of such Act (97 Stat. 1444) is amended by striking out "medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment);".

10 USC 2102 note.

(b) Section 809 of the Department of Defense Appropriation Authorization Act, 1979 (Public Law 95-485; 92 Stat. 1623), is repealed.

(c) Section 820 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 544), is repealed.

EFFECTIVE DATE

10 USC 520b note.

Sec. 1404. The amendments made by sections 1401, 1402, and 1403 take effect on October 1, 1985.

CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

Sec. 1405. Title 10, United States Code, is amended as follows:

(1) Section 125(a) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(2) Section 138(g) is amended by inserting "(22 U.S.C. 2795 et seq.)" after "chapter 5 of the Arms Export Control Act".

(3) Section 139 is amended—

98 STAT. 2622.

(A) by striking out "thirty" both places it appears and inserting in lieu thereof "30"; and

(B) by striking out "ninety" and inserting in lieu thereof "90".

10 USC 175.

(4) Section 175(c) is amended by inserting a comma after "Reserve Affairs".

(5) Section 177(a)(1) is amended by striking out "sec. 29-1001" and inserting in lieu thereof "sec. 29-501".

(6) Section 191(a) is amended by striking out "such use in" and inserting in lieu thereof "such use is".

(7)(A) Section 264 is amended by striking out "Reserve components" in subsection (b) and inserting in lieu thereof "reserve components".

(B) The heading of such section is amended to read as follows:

"§ 264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves".

(C) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves.".

(8) Section 280 is amended by striking out "5597,".

(9) Section 374(a)(3) is amended by striking out "(19 U.S.C. 1202)".

(10) Section 378 is amended by striking out "prior to the enactment of this chapter" and inserting in lieu thereof "before December 1, 1981".

(11) Section 630(2) is amended by striking out "eighteen-month" and inserting in lieu thereof "18-month".

(12) Section 633 is amended by striking out "twenty-eight" and inserting in lieu thereof "28".

(13) Sections 634 and 635 are amended by striking out "thirty" and inserting in lieu thereof "30".

(14) Section 636 is amended by striking out "thirty-five" and inserting in lieu thereof "35".

(15) Section 637(a) is amended—

(A) by striking out "twenty" in paragraph (2) and inserting in lieu thereof "20"; and

(B) by striking out "twenty-four" in paragraph (3) and inserting in lieu thereof "24".

(16) Section 673c(b)(1) is amended by inserting "of this title" after "or 673b". 97 Stat. 670.

(17) Section 680(a)(2)(D) is amended by striking out "Reserve Officer" and inserting in lieu thereof "reserve officer".

(18) Section 701(g) is amended—

(A) by striking out "sixty-day" and inserting in lieu thereof "60-day";

(B) by striking out "ninety-day" and inserting in lieu thereof "90-day"; and

(C) by striking out "one hundred and fifty" both places it appears and inserting in lieu thereof "150".

(19)(A) Section 1034 is amended by striking out "member of Congress" and inserting in lieu thereof "Member of Congress".

(B)(i) The heading of such section is amended to read as follows:

"§ 1034. Communicating with a Member of Congress".

(ii) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1034. Communicating with a Member of Congress.".

(20) Section 1035(b) is amended— 10 USC 1035.

(A) by striking out "per centum" and inserting in lieu thereof "percent";

(B) by striking out "Act" and inserting in lieu thereof "subsection"; and

(C) by striking out "ninety" and inserting in lieu thereof "90".

(21) Section 1040(a) is amended by striking out "thirty" and inserting in lieu thereof "30".

(22) The heading of section 1077 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(23) Section 1079(e) is amended by striking out the period at the end of the matter preceding clause (1) and inserting in lieu thereof "as follows:".

(24) Section 1087(b)(2) is amended by inserting "(42 U.S.C. 1395c et seq.)" after "the Social Security Act."

(25) Section 1216(b) is amended by striking out "of this section".

(26) Section 1401a(f) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before October 7, 1975".

97 Stat. 645. (27) Section 1464(c) is amended by striking out "section 1466" and inserting in lieu thereof "section 1465(c)".

97 Stat. 646. (28) Section 1465(c)(1) is amended by striking out "(A)".

(29) Section 1586 is amended—

- (A) in subsection (b)—
  - (i) by striking out "thirty" and inserting in lieu thereof "30";
  - (ii) by striking out "of this section" after "subsection (c)"; and
  - (iii) by striking out "of this subsection";
- (B) in subsection (c)—
  - (i) by striking out "thirty" and inserting in lieu thereof "30";
  - (ii) by striking out "ninety days" both places it appears and inserting in lieu thereof "90 days";
  - (iii) by striking out "ninety-day" in paragraph (5) and inserting in lieu thereof "90-day";
  - (iv) by striking out "of this subsection" each place it appears in paragraphs (3), (4), and (5);
  - (v) by striking out "such" in paragraph (5); and
  - (vi) in paragraph (6)—
    - (I) by striking out "of this subsection" after "paragraph (1)"; and
    - (II) by striking out "of this subsection," after "as applicable,";
- (C) by striking out "of this section" in subsections (d), (e)(1), and (g)(1); and
- (D) by striking out "of this subsection" in subsection (e)(2).

98 STAT. 2624

10 USC 2002. (30) Section 2002(b) is amended by striking out "For the purposes of this section, the word" and inserting in lieu thereof "In this section,".

(31) The item relating to section 2003 in the table of sections at the beginning of chapter 101 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(32) Section 2031(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 13, 1964".

(33) Section 2107(b) is amended by aligning the second sentence flush with the left margin.

(34) Section 2233 is amended—

- (A) by striking out "subsection (c) of this section" in subsection (a) and inserting in lieu thereof "to subsection (c)"; and
- (B) by striking out "or Territory, Puerto Rico, or the District of Columbia" both places it appears in the second sentence of subsection (b).

(35) Section 2381(c) is amended—

- (A) by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)"; and
- (B) by striking out "section 481(a) of that title" and inserting in lieu thereof "section 201(a) of that Act (40 U.S.C. 481(a))".

(36) The heading of section 2394a is amended to read as follows:

"§ 2394a. Procurement of energy systems using renewable forms of energy".

(37) Section 2577(a)(1) is amended by striking out "puposes" and inserting in lieu thereof "purposes".

(38) Section 2668(a)(10) is amended by striking out "section 961 of title 43" and inserting in lieu thereof "the Act of March 4, 1911 (43 U.S.C. 961)".

(39) Section 2672a is amended—

(A) by designating the first sentence as subsection (a);

(B) by striking out "operation" in such sentence and inserting in lieu thereof "operational";

(C) by designating the second sentence as subsection (b); and

(D) in the fourth sentence—

(i) by striking out "provision will" and inserting in lieu thereof "section shall"; and

(ii) by striking out "Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services".

(40) Section 2675(b) is amended by striking out "thirty" and inserting in lieu thereof "30".

(41) Section 2687 is amended—

(A) by striking out "one thousand" in subsection (a)(2) and inserting in lieu thereof "1,000";

(B) by inserting "(42 U.S.C. 4321 et seq.)" in subsection (b)(2) after "National Environmental Policy Act of 1969";

(C) by striking out "sixty" in subsection (b)(4) and inserting in lieu thereof "60"; and

98 STAT. 2625

(D) by striking out "three hundred" in subsection (d)(1)(B) and inserting in lieu thereof "300".

(42)(A) The heading of section 2734a is amended to read as follows: 10 USC 2734a.

"§ 2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements".

(B) The item relating to such section in the table of sections at the beginning of chapter 163 is amended to read as follows:

"2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements.".

(43) Section 2777(c) is amended by striking out "of this section".

(44) Section 2822(b)(3) is amended by striking out "section 2833" and inserting in lieu thereof "section 2832".

(45)(A) Section 2857(b)(1) is amended by striking out "use of" and all that follows through "the potential for" and inserting in lieu thereof "use of such forms of energy has the potential for".

(B) The amendment made by subparagraph (A) shall take effect as if it had been included in the amendments made by section 801 of Public Law 97-321. 10 USC 2857 note.

(46) Section 3579(a) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(47) Section 5897(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(48) The item relating to chapter 661 in the table of chapters at the beginning of subtitle C is amended to read as follows:

"661. Accountability and Responsibility .... 7861".

(49) Section 7227(a) is amended—

(A) by striking out "routine" both places it appears and inserting in lieu thereof "Routine";

(B) by striking out "miscellaneous" and inserting in lieu thereof "Miscellaneous";

(C) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof periods; and

(D) by striking out "; and" at the end of clause (3) and inserting in lieu thereof a period.

(50) Section 7421(b) is amended by striking out "naval petroleum reserves numbered 1 and 2" and inserting in lieu thereof "Naval Petroleum Reserves Numbered 1 and 2".

(51) Section 7422(b) is amended by striking out "of this section".

(52) Sections 7426(a), 7431(b)(1), and 7431(c) are amended by inserting "of this title" after "section 7422(c)".

(53) Section 7430 is amended—

(A) by striking out "of this section" in subsection (d)(4);

(B) subsection (g)(2)—

(i) by striking out "thirty days" and inserting in lieu thereof "30 days"; and

(ii) by striking out "thirty day" and inserting in lieu thereof "30-day"; and

(C) by striking out "of this section" both places it appears in subsection (l)(4).

(54) Section 7572(b)(1)(B) is amended by striking out "onboard" and inserting in lieu thereof "on board".

98 STAT. 2626

10 USC 8851.

(55) Section 8851(c) is amended by striking out "of this section".

(56)(A) Sections 2127(b), 2388(c), and 6154 are amended by striking out "section 3324 (a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(B) Section 7522(h) is amended by striking out "Section 3324 (a) and (b) of title 31 does" and inserting in lieu thereof "Subsections (a) and (b) of section 3324 of title 31 do".

(57) Section 9512(b)(1) is amended by inserting "App." after "49 U.S.C.".

TITLE XV—GENERAL PROVISIONS

PART A—DEFENSE FINANCIAL MATTERS

TRANSFER AUTHORITY

SEC. 1501. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

Ante, p. 2510.

(d) Transfers between paragraphs of a subsection of section 301 may be made without regard to the requirements of this section.

Part B—Provisions Relating to Specific Programs

CHEMICAL WARFARE REVIEW COMMISSION

Establishment.

Sec. 1511. (a) The President shall establish a bipartisan commission to be known as the "Chemical Warfare Review Commission". The Commission shall review the overall adequacy of the chemical warfare posture of the United States with particular emphasis on the question of whether the United States should produce binary chemical munitions, and shall report its findings and recommendations to the President not later than April 1, 1985. In developing its recommendations, the Commission shall consider—

Report.

(1) the relationship of chemical stockpile modernization by the United States with the ultimate goal of the United States of achieving a multilateral, comprehensive, and verifiable ban on chemical weapons;

(2) the adequacy of the existing United States stockpile of unitary chemical weapons in providing a credible deterrent to use by the Soviet Union of chemical weapons against United States and allied forces;

(3) whether the binary chemical modernization program proposed by the Department of Defense is adequate to support United States national security policy by posing a credible deterrent to chemical warfare; and

(4) the ability of defensive measures alone to meet the Soviet chemical warfare threat and the adequacy of funding for current and projected defensive measure programs.

(b) The President shall submit to Congress the report of the Commission, together with the President's comments on the report, not later than April 1, 1985.

President of U.S. Report.

RESTRICTION ON THE USE OF FUNDS FOR THE B-1B BOMBER AIRCRAFT PROGRAM

Sec. 1512. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended for the conduct of research, design, demonstration, development, or procurement of more than 100 B-1B bomber aircraft (including any derivative or modified version of such aircraft) unless the Secretary of Defense first notifies the Committees on Armed Services of the Senate and House of Representatives of the specific purpose for which the funds are proposed to be used and the amount proposed to be expended for that purpose.

CONFIGURATION OF THE FFG-7 CLASS GUIDED MISSILE FRIGATE

Sec. 1513. The Secretary of the Navy may determine the configuration of the FFG-7 class guided missile frigate for which funds were appropriated in the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 97 Stat. 1421), without regard to the provisions relating to the design of that frigate in the paragraph in title IV of that Act under the heading "Shipbuilding and Conversion, Navy".

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

Sec. 1514. (a) It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced

systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

PART C—MISCELLANEOUS DEFENSE REPORTING REQUIREMENTS

EXTENSION OF TIME FOR REPORT OF THE COMMISSION ESTABLISHED BY THE MILITARY JUSTICE ACT OF 1983

10 USC 867 note.
10 USC 867.

SEC. 1521. Section 9(b)(4) of the Military Justice Act of 1983 (Public Law 98-209; 97 Stat. 1404) is amended by striking out "the first day of the ninth calendar month that begins after the date of the enactment of this Act" and inserting in lieu thereof "December 15, 1984".

STUDY OF FOREIGN SALES AND PROCUREMENT OF DEFENSE ARTICLES

Commerce and trade.

SEC. 1522. (a)(1) The Secretary of Defense, in consultation with the heads of other appropriate Federal agencies, shall carry out a study to assess how the adequacy of the industrial base of the United States in the event of a war or national emergency is affected—

(A) by procurement by the Department of Defense of defense articles that are produced outside the United States or that are assembled from components, or fabricated from materials, produced outside the United States; and

(B) by sales by the Department of Defense or commercial manufacturers of defense articles manufactured in the United States to purchasers outside the United States.

(2) For the purposes of this section, the term "foreign-component defense article" means a defense article—

(A) that was produced outside the United States;

(B) that was assembled from over 50 percent components, or fabricated from over 50 percent materials, produced outside the United States; or

(C) that contains a major component that was produced outside the United States.

(b) The study under subsection (a) shall assess the effects of restrictions on the procurement of foreign-component defense articles on the overall United States balance of trade, on the balance of trade in defense articles, on treaties currently in effect, on the budgetary cost of national defense, on existing memoranda of understanding, on United States military alliances, and on efforts to increase the rationalization, standardization, and interoperability of articles used by North Atlantic Treaty Organization forces.

(c) Restrictions to be considered for the purposes of subsection (b) shall include—

(1) a prohibition on procurement of foreign-component defense articles;

(2) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source unless there is also a domestic producer of the article;

(3) a prohibition on procurement of defense articles (and major components of defense articles) from a country with which the United States has an unfavorable balance of trade in defense articles; and

(4) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source of

more than 50 percent of the total quantity of the defense article (or major component) to be procured.

(d) The study under subsection (a) shall consider circumstances and requirements under a war or national emergency of both a brief duration and a long duration.

Report.

(e) A report of the study under subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than October 15, 1985.

REPORT ON USE OF AIR FORCE AIR REFUELING FLEET

Study.

SEC. 1523. Not later than March 1, 1985, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report analyzing the planned operational use of the Air Force's air refueling fleet throughout the remainder of the 1980's. This study shall include the planned use of the air refueling fleet for the Single Integrated Operational Plan (SIOP) and shall consider the growing number of potential contingency operations throughout the global spectrum of conflict to include multiple and simultaneous global threats.

STUDY BY THE SECRETARY OF DEFENSE OF CURRENT AND POTENTIAL EXPLOITATION OF FOREIGN TECHNOLOGY BY THE DEPARTMENT OF DEFENSE

SEC. 1524. (a)(1) The Secretary of Defense shall conduct a comprehensive study on how the Department of Defense can most effectively benefit from technology obtained from both cooperative and noncooperative foreign sources. In carrying out the study, the Secretary shall specifically consider—

(A) the existing and any planned organizational changes within the Department of Defense with respect to the office or offices responsible for collecting and disseminating foreign technology;

(B) whether additional funding is needed, and could be used in a cost-effective manner, for the collection of foreign technology by the various elements of the Department of Defense responsible for collecting and disseminating that technology; and

(C) an evaluation of the effectiveness of the current programs of the Department of Defense for collecting and disseminating foreign technology.

Report.

(2) Not later than March 1, 1985, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study conducted under paragraph (1), together with such comments and recommendations as the Secretary considers appropriate. The Secretary shall also submit to such committees, at the same time as the report referred to in the preceding sentence is submitted, an unclassified report on the matters described in paragraph (1).

(b) The Secretary of the Army may not transfer any of the functions now performed by the Foreign Science and Technology Center of the Material Development and Readiness Command of the Army to any other Office or agency within the Army until after the day on which the report referred to in subsection (a)(2) is received by the Committees on Armed Services of the Senate and House of Representatives.

REPORT ON AMERICANS UNACCOUNTED FOR OR MISSING IN INDOCHINA

Lao People's Democratic Republic.
Socialist Republic of Vietnam.
President of U.S.

SEC. 1525. (a) The Congress finds that—

(1) the President has declared that the issue of the 2,483 Americans missing or otherwise unaccounted for in Indochina is an issue of the highest national priority and has initiated high level discussions with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on the issue;

(2) the Congress, on a bipartisan basis, fully supports these initiatives and realizes that the fullest possible accounting of those Americans can only be achieved with the cooperation of those governments;

(3) the Government of the Lao People's Democratic Republic has recently taken positive actions to assist the United States Government in resolving the status of those missing Americans; and

(4) the Government of the Socialist Republic of Vietnam has pledged to cooperate with the Government of the United States in resolving this humanitarian issue, separate from other issues dividing the two countries.

(b) The Congress strongly urges the President—

(1) to ensure that officials of the United States Government conscientiously and fully carry out the pledge of the President to commit the full resources of the United States Government to resolve the issue of the 2,483 Americans still missing or otherwise unaccounted for in Indochina;

(2) to pursue vigorously all reports concerning sightings of live Americans who may be among those missing or otherwise unaccounted for in Indochina;

(3) to work to achieve the fullest possible accounting of all Americans missing or otherwise unaccounted for in Indochina;

(4) to seek the immediate return of the remains of all Americans who have died in Indochina and whose remains have not been returned; and

(5) to make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

(c) The Congress calls upon the Socialist Republic of Vietnam and the Lao People's Democratic Republic to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans still missing in Indochina.

President of U.S. Report.

(d) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing actions being taken by the United States Government described in subsection (b).

REPORT ON SAFETY IN THE ARMY

SEC. 1526. Not later than the end of the one-year period beginning on the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing current and planned programs related to safety of personnel in the Army. The report shall include safety involving training exercises and safety in the operation of Army equipment.

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REPORT ON ENHANCED MILITARY CAREER OPPORTUNITIES FOR NON-PHYSICIAN HEALTH-CARE PROVIDERS

SEC. 1527. Not later than March 15, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing and evaluating a plan to enhance the military career opportunities of non-physician providers of health care.

PART D—MISCELLANEOUS DEFENSE-RELATED MATTERS

EXEMPTION FROM AUTHORITY TO INDUCT UNDER THE MILITARY SELECTIVE SERVICE ACT ANY PERSON WHOSE MOTHER WAS KILLED IN LINE OF DUTY

SEC. 1531. Section 6(o) of the Military Selective Service Act (50 U.S.C. App. 456(o)) is amended by inserting "or the mother" after "the father" in clauses (1) and (2).

PROHIBITION OF UNAUTHORIZED USES OF MARINE CORPS INSIGNIA

SEC. 1532. (a)(1) Part IV of subtitle C of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 663—NAMES AND INSIGNIA

"Sec.
"7881. Unauthorized use of Marine Corps insignia.

"§ 7881. Unauthorized use of Marine Corps insignia 10 USC 7881.

"(a) The seal, emblem, and initials of the United States Marine Corps shall be deemed to be insignia of the United States.

"(b) No person may, except with the written permission of the Secretary of the Navy, use or imitate the seal, emblem, name, or initials of the United States Marine Corps in connection with any promotion, goods, services, or commercial activity in a manner reasonably tending to suggest that such use is approved, endorsed, or authorized by the Marine Corps or any other component of the Department of Defense.

Law enforcement.

"(c) Whenever it appears to the Attorney General of the United States that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (b), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.".

(2) The table of chapters at the beginning of such subtitle, and the table of chapters at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 661 the following new item:

"663. Names and Insignia .... 7881".

10 USC 7881 note.

(b) The amendments made by subsection (a) shall not affect rights that vested before the date of the enactment of this Act.

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IMPROVED READINESS AND TRAINING OF THE CIVIL AIR PATROL THROUGH PROVISION OF CERTAIN ADDITIONAL FEDERAL SERVICES

SEC. 1533. (a) Subsection (b) of section 9441 of title 10, United States Code, relating to support of the Civil Air Patrol by the Air Force, is amended—

(1) by striking out "and" at the end of clause (7);

(2) by striking out the period at the end of clause (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clauses:

"(9) authorize the payment of expenses of placing into serviceable condition a major item of equipment furnished to the Civil Air Patrol under clause (1);

"(10) authorize the purchase with funds appropriated to the Air Force of such major items of equipment as the Secretary considers needed by the Civil Air Patrol to carry out its missions; and

"(11) furnish articles of the Air Force uniform to Civil Air Patrol cadets without cost to such cadets.".

(b)(1) Chapter 909 of such title is amended by adding at the end thereof the following new section:

"§ 9442. Assistance by other agencies 10 USC 9442.

"The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission. Any such arrangement shall be made under regulations prescribed by the Secretary of the Air Force with the approval of the Secretary of Defense and shall be subject to the agreement of the other military department or other department or agency of the United States furnishing the facilities or services.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"9442. Assistance by other agencies.".

Effective date. 10 USC 9441 note.

(c) The amendments made by this section shall take effect on October 1, 1984.

PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS ACTIVITIES

SEC. 1534. Section 717 of title 10, United States Code, relating to participation by members of the armed forces in international sports, is amended—

(1) by striking out the semicolon at the end of subsection (a)(1) and inserting in lieu thereof "and qualifying events and preparatory competition for those games;";

(2) by striking out "that competition" in subsection (a)(2) and inserting in lieu thereof "that competition, and qualifying events and preparatory competition for that competition";

(3) by striking out "(c), (d), and (e)" in subsection (b) and inserting in lieu thereof "(c) and (d)";

(4) by striking out "Not more than $800,000" in subsection (c) and inserting in lieu thereof "(1) Not more than $3,000,000";

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(5) by striking out "(d)" before "Not more than $100,000" and inserting in lieu thereof "(2)";

(6) by striking out "March 14, 1955" both places it appears and inserting in lieu thereof "October 1, 1980"; and

(7) by redesignating subsection (e) as subsection (d).

INSTRUCTION OF FOREIGN OFFICERS AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 1535. Section 2114 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Board, upon approval of the Secretary of Defense, may enter into agreements with foreign military medical schools for reciprocal education programs under which students at the University receive specialized military medical instruction at the foreign military medical school and military medical personnel of the country of such medical school receive specialized military medical instruction at the University. Any such agreement may be made on a reimbursable basis or a nonreimbursable basis.

"(2) Not more than 40 persons at any one time may receive instruction at the University under this subsection. Attendance of such persons at the University may not result in a decrease in the number of students enrolled in the University. Subsection (b) does not apply to students receiving instruction under this subsection.

"(3) The Dean of the University, with the approval of the Secretary of Defense, shall determine the countries from which persons may be selected to receive instruction under this subsection and the number of persons that may be selected from each country. The Dean may establish qualifications and methods of selection and shall select those persons who will be permitted to receive instruction at the University. The qualifications established shall be comparable to those required of United States citizens.

Reimbursement.

"(4) Each foreign country from which a student is permitted to receive instruction at the University under this subsection shall reimburse the United States for the cost of providing such instruction, unless such reimbursement is waived by the Secretary of Defense. The Secretary of Defense shall prescribe the rates for reimbursement under this paragraph.

Confidentiality.
Regulations.

"(5) Except as the Dean determines, a person receiving instruction at the University under this subsection is subject to the same regulations governing attendance, discipline, discharge, and dismissal as a student enrolled in the University. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection that differ from the regulations that apply to a student enrolled in the University.".

COMMISSION ON MERCHANT MARINE AND DEFENSE

Establishment.
46 USC app. 1120 note.

SEC. 1536. (a) There is hereby established a commission to be known as the Commission on Merchant Marine and Defense (hereinafter in this section referred to as the "Commission").

Study.
Transportation.
Reports.

(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States to meet the needs of naval and merchant ship construction in time of war or national emergency. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be provided in the reports of the Commission due on September 30, 1985, and September 30, 1986, under subsection (g).

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(c)(1) The Commission shall be composed of seven members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Five members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding and its supporting industrial base, maritime labor, and defense matters are particularly suited to serve on the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such paragraph shall be appointed for the life of the Commission.

(3) Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the chairman.

5 USC 5315.

(d) Members of the Commission appointed under subsection (c)(1)(C) may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

5 USC 5315.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

Reports.

(g) Not later than June 30, 1985, and June 30, 1986, the Commission shall submit to the President and to Congress a report containing its findings of fact and its conclusions. Not later than September 30, 1985, and September 30, 1986, the Commission, based upon those findings and conclusions, shall prepare a report containing the recommendations of the Commission as specified in subsection (b) and shall submit the report to the President and Congress. Each such report shall be prepared without any prior review or approval by any official of the executive branch (other than the members and staff of the Commission).

Termination date.

(h) The Commission shall cease to exist 90 days after the date on which the final report of the Commission under subsection (g) is submitted to the President and the Congress.

Appropriation authorization.

(i) There is authorized to be appropriated for fiscal years 1985, 1986, and 1987, a total of $1,500,000 to carry out this section. Any amount appropriated under this subsection shall remain available until September 30, 1987.

DEPARTMENT OF DEFENSE AIR TRAFFIC CONTROLLERS

SEC. 1537. (a) Section 4109(c) of title 5, United States Code, is amended by inserting "and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense," after "of such Administration,".

5 USC 5532.

(b) Section 5532(f) of such title is amended—

(1) in paragraph (1) by inserting "or of the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(2) in paragraph (2)—

(A) by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(B) by inserting "or such Secretary, respectively" before the period.

5 USC 5546a.

(c)(1) Subsection (a) of section 5546a of such title is amended—

(A) by inserting "and the Secretary of Defense (hereafter in this section referred to as the 'Secretary')" after "referred to as the 'Administrator')";

(B) in paragraph (1) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "by the Administrator"; and

(C) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "determined by the Administrator".

(2) Subsection (c)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator" both places it appears; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration";

(3) Subsection (d) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" both places it appears and inserting "or the Department of Defense" after "Federal Aviation Administration"; and

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(B) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(4) Subsection (e)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator"; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(5) Subsection (f) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" and by inserting "or the Department of Defense" after "Federal Aviation Administration"; and

(B) in paragraph (2) by inserting "and the Secretary" after "Administrator".

(6)(A) The heading of such section is amended by inserting at the end thereof "and the Department of Defense".

(B) The item relating to section 5546a in the analysis of chapter 55 of such title is amended by inserting "and the Department of Defense" before the period.

5 USC 5547.

(d) Section 5547 of such title is amended by inserting "or the Department of Defense" after "Federal Aviation Administration".

5 USC 8344.

(e) Section 8344(h)(1) of such title is amended by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,".

Effective date.
5 USC 4109 note.

(f) The amendments made by this section shall take effect on October 1, 1984.

SALE OF AMMUNITION FOR AVALANCHE-CONTROL PURPOSES

SEC. 1538. (a)(1) Chapter 441 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 4657. Sale of ammunition for avalanche-control purposes

Contracts.
10 USC 4657.

"Subject to the needs of the Army, the Secretary of the Army may sell ammunition for military weapons which are used for avalanche-control purposes to any State (or entity of a State) or to any other non-Federal entity that has been authorized by a State to use those weapons in that State for avalanche-control purposes. Sales of ammunition under this section shall be on a reimbursable basis and shall be subject to the condition that the ammunition be used only for avalanche-control purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"4657. Sale of ammunition for avalanche-control purposes.".

Effective date.
10 USC 4657 note.

(b) Section 4657 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

SUPPLEMENTAL INFORMATION TO THE ENVIRONMENTAL IMPACT STATEMENT OF THE NAVY ON THE PROPOSED TRANSFER OF CERTAIN PERSONNEL

SEC. 1539. In addition to any other requirement regarding an environmental impact statement prepared by the Secretary of the Navy in connection with the 1981 Navy master plan to vacate leased space by transferring military and civilian personnel of the Department of the Navy from Arlington County, Virginia, to the Washington Navy Yard in Washington, District of Columbia, the Secretary of the Navy shall also prepare as a supplement to such impact statement a detailed analysis with respect to the following matters:

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(1) The socio-economic impact on the area from which the transfer is proposed to be made.

(2) The impact of the proposed transfer on the traffic capacity of bridges over the Potomac River and the Anacostia River.

(3) The impact of the proposed transfer on shuttle requirements of the Department of Defense.

(4) The overall impact of the proposed transfer on the area from which the transfer is proposed to be made and on the area to which the transfer is proposed to be made, taking into consideration all other planned moves of personnel by the Navy to the Washington Navy Yard and by all other agencies of the Government.

(5) The impact of such proposed transfer, and all other planned transfers to the Washington Navy Yard, on both present and potential parking capacity in the vicinity of such facility.

(6) The impact of the proposed transfer on communications and security requirements of the Navy.

(7) The impact of the proposed transfer on supporting and servicing contractors and the impact that the movement of such contractors will likely have on public and private facilities in the area from which they move and the area to which they move.

AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO COUNTRIES IN CENTRAL AMERICA

SEC. 1540. (a) Notwithstanding any other provision of law, during fiscal year 1985, the Secretary of Defense may transport on a space available basis, at no charge, to any country in Central America goods and supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance.

President of U.S.

(b)(1) The President shall institute procedures, including complete inspection prior to acceptance for transport, for determining that—

(A) the transport of any goods and supplies transported under this section is consistent with foreign policy objectives;

(B) the goods and supplies to be transported are suitable for humanitarian purposes and are in usable condition;

(C) there is a legitimate humanitarian need for such goods and supplies;

(D) the goods and supplies will in fact be used for humanitarian purposes; and

(E) there are adequate arrangements for the distribution of such goods and supplies in the country of destination.

Prohibition.

(2) Goods and supplies determined not to meet the criteria of paragraph (1) may not be transported under this section.

(3) It shall be the responsibility of the donor to ensure that goods or supplies to be transported under this section are suitable for transport.

(c) Goods and supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, or international organization, or a private nonprofit relief organization. The Secretary of Defense may not accept any goods or supplies for transportation under this section unless verification of adequate arrangements has been received in advance for distribution of such goods and supplies.

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(d) Goods or supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in military or paramilitary activity.

Report.

(e) No later than 90 days after the date of the enactment of this section, and every 60 days thereafter, the Secretary of State shall report to the Congress concerning the origin, contents, destination, and disposition of all goods and supplies transported under this section.

PART E—OTHER MISCELLANEOUS MATTERS

SURVIVORS OF THE GLOMAR JAVA SEA

SEC. 1541. (a) The Congress finds that— Vessels.

(1) on October 26, 1983, the United States registered oil drilling ship Glomar Java Sea was reported missing during stormy weather at its drilling site 60 miles off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

(2) no evidence has been found of 46 of the 81 crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the Glomar Java Sea, despite an intensive cooperative search involving United States military search and rescue aircraft and commercial vessels;

(3) the Chairman of the United States Coast Guard Marine Board of Investigation has concluded that it is possible that crewmembers of the Glomar Java Sea survived and drifted into waters near the coast of Vietnam; and Vietnam.

(4) the Government of Vietnam has refused to allow an independent search for the possible survivors to be conducted in waters within 20 miles of such coast.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President should, through all appropriate bilateral and multilateral channels, continue and accelerate the effort to obtain the cooperation of the Government of Vietnam in ascertaining the fate or locations of the 46 crewmen of the sunken United States registered vessel Glomar Java Sea.

POLICY REGARDING THE FURNISHING OF FOOD AND MEDICAL SUPPLIES TO AFGHANISTAN

SEC. 1542. (a) The Congress finds—

(1) that after more than four years of occupation by the military forces of the Soviet Union, the freedom-loving people of Afghanistan continue bravely to resist the oppression of the Soviet Union;

(2) that the current Soviet Union offensive has resulted in great suffering and destruction in Afghanistan and has intensified the Soviet policy which targets civilian populations; and

(3) that this "scorched earth" policy of the Soviet Union, which has resulted in the destruction of crops, food supplies, farms, hospitals, and other public buildings in Afghanistan, has been a desperate attempt on the part of the Soviet Union to subdue the population of that country or to force the depopulation of certain areas which the occupying forces of the Soviet Union are unable to control.

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(b) It is, therefore, the sense of Congress that the free world should take all appropriate steps to ensure that the people of Afghanistan have food and medical supplies adequate to sustain themselves as they struggle to regain their freedom.

REAFFIRMATION OF UNITED STATES POLICY TOWARD CUBA

SEC. 1543. (a) It is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", approved by the President on October 3, 1962 (Public Law 87-733; 76 Stat. 697).

(b) Nothing in this section shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, the Foreign Assistance Act of 1961, or the War Powers Resolution. This section does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

50 USC 401 note, 22 USC 2151 note.
50 USC 1541 note.

REPORT ON USE OF CUBAN AND RUSSIAN NICKEL IN DEFENSE PROCUREMENTS

SEC. 1544. Not later than April 1, 1985, the Secretary of Defense shall submit to Congress a report on the effects on the national security of the United States of procurement by the Department of Defense of products containing nickel produced in Cuba or the Soviet Union. The report shall be prepared after consultation with the Secretaries of Commerce, the Interior, and the Treasury.

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985.

TITLE XVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SHORT TITLE

SEC. 1600. This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985".

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

OPERATING EXPENSES

SEC. 1601. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $426,400,000.

(2) For weapons activities, $3,364,130,000, to be allocated as follows:

(A) For research and development, $805,625,000.

(B) For weapons testing, $532,000,000.

(C) For the defense inertial confinement fusion program, $154,750,000, of which—

(i) $92,700,000 shall be used for glass laser experiments;

(ii) $42,100,000 shall be used for gas laser experiments;

(iii) $19,200,000 shall be used for pulsed power experiments; and

(iv) $750,000 shall be used for supporting research.

(D) For production and surveillance, $1,810,900,000.

(E) For program direction, $60,855,000.

(3) For verification and control technology, $73,700,000, of which $3,200,000 shall be used for program direction.

(4) For defense nuclear materials production, $1,407,090,000, to be allocated as follows:

(A) For uranium enrichment, $142,800,000.

(B) For production reactor operations, $551,235,000.

(C) For processing of defense nuclear materials, $379,770,000.

(D) For special isotope separation, $60,000,000.

(E) For supporting services, $252,985,000.

(F) For program direction, $20,300,000.

(5) For defense nuclear waste and byproduct management, $358,700,000, to be allocated as follows:

(A) For interim waste management, $240,400,000.

(B) For long-term waste management technology, $90,400,000.

(C) For terminal waste storage, $25,800,000.

(D) For program direction, $2,100,000.

(6) For nuclear materials safeguards and security technology development program, $58,000,000, of which $7,600,000 shall be used for program direction.

(7) For security investigations, $34,000,000.

PLANT AND CAPITAL EQUIPMENT

Sec. 1602. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 85-N-101, general plant projects, various locations, $2,000,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $165,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $6,000,000, for a total project authorization of $110,000,000.

(2) For weapons activities:

Project 85-D-101, general plant projects, various locations, $29,600,000.

Project 85-D-111, general plant projects, various locations, $30,200,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, $35,400,000.

98 STAT. 2641

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $4,700,000.

Project 85-D-104, test devices assembly building, Los Alamos National Laboratory, Los Alamos, New Mexico, $800,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $3,000,000.

Project 85-D-106, hardened radiography facility, site 300, Lawrence Livermore National Laboratory, Livermore, California, $800,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $4,500,000.

Project 85-D-113, powerplant and steam distribution system, Pantex Plant, Amarillo, Texas, $4,500,000.

Project 85-D-114, safeguards vaults, Y-12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 85-D-122, safeguards and site security upgrade, Mound Facility, Miamisburg, Ohio, $2,700,000.

Project 85-D-123, safeguards and site security upgrade, phase I, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats, Golden, Colorado, $1,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, $10,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000, for a total project authorization of $22,000,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,600,000, for a total project authorization of $6,200,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,500,000, for a total project authorization of $7,200,000.

Project 84-D-105, safeguards and security upgrades, phase I, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,100,000, for a total project authorization of $15,100,000.

Project 84-D-106, security system upgrade, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000, for a total project authorization of $3,800,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $21,900,000, for a total project authorization of $35,400,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $60,700,000, for a total project authorization of $80,000,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, $18,100,000, for a total project authorization of $42,200,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $10,000,000, for a total project authorization of $11,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $11,700,000, for a total project authorization of $13,200,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, $6,800,000, for a total project authorization of $7,600,000.

Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, $16,900,000, for a total project authorization of $20,000,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, $11,200,000, for a total project authorization of $21,200,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $21,400,000, for a total project authorization of $29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000, for a total project authorization of $15,500,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $2,700,000, for a total project authorization of $3,700,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $7,000,000, for a total project authorization of $17,000,000.

Project 82-D-107, utilities and equipment restoration, replacement and upgrade, phase III, various locations, $165,000,000, for a total project authorization of $570,400,000.

Project 82-D-111, interactive graphics systems, various locations, $6,800,000, for a total project authorization of $20,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $11,500,000, for a total project authorization of $23,700,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, $16,800,000, for a total project authorization of $27,200,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, $3,500,000, for a total project authorization of $45,650,000.

Project 81-D-115, missile X warhead production facilities, various locations, $20,900,000, for a total project authorization of $125,000,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000, for a total project authorization of $7,800,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $4,900,000, for a total project authorization of $8,600,000.

Project 79-7-0, universal pilot plant, Pantex Plant, Amarillo, Texas, $3,800,000, for a total project authorization of $15,900,000.

(3) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $1,000,000.

(4) For materials production:

98 STAT. 2643

Project 85-D-131, general plant projects, various locations, $30,000,000.

Project 85-D-132, plant engineering and design, various locations, $2,000,000.

Project 85-D-136, components protection system, 100-N area, Richland, Washington, $3,300,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $2,500,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Productions Center, Fernald, Ohio, $6,000,000.

Project 85-D-142, fuel tube facilities, fuel preparation area, Savannah River, South Carolina, $8,000,000.

Project 85-D-145, uranyl nitrate to oxide conversion facility, Savannah River, South Carolina, $1,800,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, $200,000, for a total project authorization of $5,800,000.

Project 84-D-134, safeguards and security improvements, Plantwide, Savannah River, South Carolina, $14,900,000, for a total project authorization of $26,900,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000, for a total project authorization of $12,400,000.

Project 84-D-137, facility security systems upgrade, Idaho Fuels Processing Facility (IFPF), Idaho National Engineering Laboratory, Idaho, $8,000,000, for a total project authorization of $10,000,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, $4,100,000, for a total project authorization of $9,500,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $2,150,000, for a total project authorization of $8,650,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $11,500,000, for a total project authorization of $19,000,000.

Project 83-D-180, facility storage modifications, various locations, $6,500,000, for a total project authorization of $15,800,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, $68,800,000, for a total project authorization of $300,634,000.

Project 82-D-128, plant perimeter security systems upgrade, Idaho Fuels Processing Plant, Idaho National Engineering Laboratory, Idaho, $400,000, for a total project authorization of $5,400,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $1,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $24,400,000, for a total project authorization of $61,400,000.

(5) For defense waste and byproducts management:

98 STAT. 2644

Project 85-D-156, general plant projects, interim waste operations and long-term waste management technology, various locations, $23,645,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $700,000.

Project 85-D-159, new waste transfer facilities, H Area, Savannah River, South Carolina, $11,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $3,155,000, for a total project authorization of $53,155,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $230,500,000, for a total project authorization of $432,500,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $51,100,000, for a total project authorization of $394,200,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $22,500,000;

(B) for weapons activities, $241,850,000;

(C) for inertial confinement fusion, $9,500,000;

(D) for verification and control technology, $2,000,000;

(E) for materials production, $117,660,000;

(F) for defense waste and byproducts management, $35,771,000; and

(G) for nuclear safeguards and security, $4,700,000.

PART B—RECURRING GENERAL PROVISIONS

REPROGRAMING

Limitations.

SEC. 1621. (a) Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

98 STAT. 2645

Prohibition.

(b) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 1622. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated costs of the construction project does not exceed $1,000,000.

Report.

(b) If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

Prohibition.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this title exceed the total amount authorized to be appropriated for such projects by this title.

LIMITS ON CONSTRUCTION PROJECTS

Sec. 1623. (a) Whenever the current estimated cost of a construction project which is authorized by section 302 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

Sec. 1624. To the extent specified in appropriation Acts, funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

Sec. 1625. (a)(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

98 STAT. 2646

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

Sec. 1626. In addition to the advance planning and construction design authorized by section 302, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 1627. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 1628. Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 1629. When so specified in an appropriation Act, amounts appropriated for Department of Energy defense programs may remain available until expended.

PART C—SPECIAL PROGRAM PROVISIONS

CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

Claims.
42 USC 2212.
46 USC 781-790.

SEC. 1631. (a)(1) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or by the Act of March 9, 1920 (46 U.S.C. 741-752 and 781-790), as appropriate, for injury, loss of property, personal injury, or death shall apply to any civil action for injury, loss of property, personal injury, or death due to exposure to radiation based on acts or omissions by a contractor in carrying out an atomic weapons testing program under a contract with the United States.

98 STAT. 2647

(2) The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of a contractor referred to in paragraph (1) shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding; and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

28 USC 1346.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or two years from the date upon which the claim accrued, whichever is later, to file an administrative claim, and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28, United States Code.

28 USC 2672.

(d) For purposes of this section, the term "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). Such term also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or any of its predecessor agencies).

Research and development.
Hazardous materials.

COST-EFFECTIVE FUNDING OF NUCLEAR WEAPONS

SEC. 1632. (a) The President shall establish a Blue Ribbon Task Group to examine the procedures used by the Department of Defense and the Department of Energy in establishing requirements for, and in providing resources for, the research, development, testing, production, surveillance, and retirement of nuclear weapons. The Task Group shall recommend any needed change in such procedures in accordance with subsection (e).

President of U.S.
Blue Ribbon Task Group, establishment.

98 STAT. 2648

(b)(1) The Task Group shall consist of seven members, qualified for service by reasons of experience and education. The President shall appoint three members and shall designate one of those members to act as chairman of the Task Group. The Chairman and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives shall each appoint one member.

(2) None of the members may be an employee of the Department of Defense or the Department of Energy.

(c) Within 90 days of the date of the enactment of this Act, the President shall submit to the Committees on Armed Services of the Senate and House of Representatives (1) the names of the persons appointed by him to the Task Group, together with the qualifications of each such person to serve on the Task Group, and (2) a detailed plan for completing the report required by subsection (e).

President of U.S.

(d) The President shall ensure that the Task Group has complete and timely access to employees and records of the Department of Energy and the Department of Defense pertaining to procedures referred to in subsection (a).

President of U.S.

(e) Within 270 days of the date of the enactment of this Act, the Task Group shall submit to the President and the Committees on Armed Services of the Senate and House of Representatives a report containing its findings and recommendations. Such report shall include any additional or dissenting views that any member of the Task Group may wish to submit. The report shall (in addition to any other matters) include recommendations in the following areas:

Report.

(1) Ways to improve coordination between the Department of Energy and the Department of Defense to ensure cost-effective implementation of weapon activities and materials production.

(2) Cost-effective improvements that can be made in budgeting and management procedures that affect weapon activities and materials productions.

(3) Whether the Department of Defense should assume the responsibility for funding current Department of Energy weapon activities and materials production programs.

REVIEW OF THE INERTIAL CONFINEMENT FUSION PROGRAM

President of U.S. Technical Review Group on Inertial Confinement Fusion establishment.

SEC. 1633. (a)(1) Within 30 days after the date of the enactment of this Act, the President shall establish a review body to be known as the Technical Review Group on Inertial Confinement Fusion (hereinafter in this section referred to as the "Technical Review Group").

(2) It shall be the function of the group to review thoroughly the accomplishments, management, goals, and anticipated contributions of the defense inertial confinement fusion program.

(3) The President shall appoint to serve on the Technical Review Group only persons who, because of recent training and experience in the scientific disciplines associated with the development and testing of nuclear weapons, are most qualified to make findings of fact and recommendations to the Congress and the President concerning that program.

Reports.

(b) The Technical Review Group shall submit to the President and the Committees on Armed Services of the Senate and House of Representatives written reports containing the results of its review, together with such recommendations regarding priorities for future work in the inertial confinement fusion program as it determines appropriate, as follows:

98 STAT. 2649

(1) A first interim report shall be submitted before February 1, 1985.

(2) A second interim report shall be submitted before June 1, 1985.

(3) A final report shall be submitted before May 1, 1986.

Termination date.

(c) Upon the submission of its final report, the Technical Review Group shall cease to exist.

NAVAL NUCLEAR PROPULSION PROGRAM

42 USC 7158 note.
3 CFR, 1982 Comp., p. 128.

SEC. 1634. The provisions of Executive Order Numbered 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

AUTHORIZATION FOR PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

SEC. 1635. (a) In addition to the amounts otherwise authorized to be appropriated in this title, there is authorized to be appropriated to the Secretary of Energy for fiscal years beginning after September 30, 1984, $50,000,000 for the construction of facilities necessary to produce the 155-millimeter artillery-fired, atomic projectile (Project 82-D-109).

(b) In the case of the 155-millimeter atomic-fired artillery projectile (W-82) and the 8-inch atomic-fired artillery projectile (W-79), the following conditions shall be complied with:

(1) The total number of both such warheads produced may not exceed 925.

(2) The total amount spent for the production of both such warheads after the date of the enactment of this Act may not exceed $1,100,000,000.

(3) No such warhead produced after the date of the enactment of this Act may be produced in the enhanced radiation version.

(4) In producing such warheads, special emphasis shall be placed upon improvements in the safety, security, range, and survivability of such warheads.

(5) Replacement of obsolete atomic-fired artillery projectiles now in Europe with such improved warheads shall be carried out within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983,

which required the withdrawal of 1,400 tactical nuclear warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

(c) No action may be taken to implement this section until the Secretary of Defense submits a plan for the implementation of this section to the Committees on Armed Services of the Senate and House of Representatives.

TITLE XVII—UNITED STATES INSTITUTE OF PEACE

United States Institute of Peace Act.

SHORT TITLE

SEC. 1701. This title may be cited as the "United States Institute of Peace Act".

22 USC 4601 note.

DECLARATION OF FINDINGS AND PURPOSES

SEC. 1702. (a) The Congress finds and declares that—

22 USC 4601.

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and peoples have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and humanities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

20 USC 2701 note.

(8) an institute strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of such an institute is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this title to establish an independent, nonprofit, national institute to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

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DEFINITIONS

22 USC 4602.

SEC. 1703. As used in this title, the term—

(1) "Institute" means the United States Institute of Peace established by this title; and

(2) "Board" means the Board of Directors of the Institute.

ESTABLISHMENT OF THE INSTITUTE

22 USC 4603.

SEC. 1704. (a) There is hereby established the United States Institute of Peace.

Corporation.
26 USC 170.
Securities.

(b) The Institute is an independent nonprofit corporation and an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954. The Institute does not have the power to issue any shares of stock or to declare or pay any dividends.

Endowment of the United States Institute of Peace, designation.

(c) As determined by the Board, the Institute may establish, under the laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Institute under this title. The Institute may designate such legal entity as the "Endowment of the United States Institute for Peace".

(d) The Institute is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

Prohibition.

(e)(1) The Institute has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Institute of Peace", "Jennings Randolph Program for International Peace", and "Endowment of the United States Institute of Peace" and the use of any official United States Institute of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this title, the Institute may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Institute for such fiscal year provided by law.

POWERS AND DUTIES

22 USC 4604.

SEC. 1705. (a) The Institute may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act consistent with this title, except for section 5(o) of the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1005(o)).

(b) The Institute, acting through the Board, may—

(1) establish a Jennings Randolph Program for International Peace and appoint, for periods up to two years, scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

98 STAT. 2652

(2) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this title;

(3) conduct research and make studies, particularly of an interdisciplinary or of a multidisciplinary nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(4) develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) provide, promote, and support peace education and research programs at graduate and postgraduate levels;

(6) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(7) develop, for publication or other public communication, and disseminate, the carefully selected products of the Institute;

(8) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

Medals and decorations.

(9) recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Institute may receive the United States Medal of Peace; and

Public information.

(10) secure directly, upon request of the president of the Institute to the head of any Federal department or agency and in accordance with section 552 of title 5, United States Code (relating to freedom of information), information necessary to enable the Institute to carry out the purposes of this title if such release of the information would not unduly interfere with the proper functioning of a department or agency, including classified information if the Institute staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State.

Grants.
Contracts.
Schools and colleges.
State and local governments.

(c) The Institute may undertake extension and outreach activities under this title by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions), with public and private educational, training, or research institutions (including the American Federation of Labor-the Congress of Industrial Organizations) and libraries, and with public departments and agencies (including State and territorial departments of education and of commerce). No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Institute's annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

98 STAT. 2653

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Institute in its publication, clearinghouse, and other information services programs;

(5) assist the Institute in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this title.

Study.

(d) The Institute may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Institute's competence, including the study of past negotiating histories and the use of classified materials.

(e) The Institute may enter into contracts for the proper operation of the Institute.

(f) The Institute may fix the duties of its officers, employees, and agents, and establish such advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Institute may require.

Grants.
Contracts.
Confidentiality.
Gifts and property.

(g)(1) Except as provided in paragraphs (2) and (3), the Institute may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2) The Institute may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Institute may accept the payment of tuition by foreign nationals for instruction provided by the Institute. For purposes of this paragraph, the term—

(A) "foreign national" means—

(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(B) "person" means a natural person, partnership, association, other unincorporated body, or corporation.

98 STAT. 2654

Prohibition.
Ante, p. 2651.

(3) Notwithstanding any other provision of this title, the Institute and the legal entity described in section 1704(c) may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual.

(h) The Institute may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(i) The Institute may charge and collect fees and other participation costs from persons and institutions participating in the Institute's direct activities authorized in subsection (b).

(j) The Institute may sue and be sued, complain, and defend in any court of competent jurisdiction.

(k) The Institute may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(l) The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this title.

(m) The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

Prohibition. Congress. State and local governments.

(n) The Institute may obtain administrative support services from the Administrator of General Services on a reimbursable basis.

BOARD OF DIRECTORS

SEC. 1706. (a) The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this title.

22 USC 4605.

(b) The Board shall consist of fifteen voting members as follows:

(1) The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).

(2) The Secretary of Defense (or if the Secretary so designates, another officer of the Department of Defense who was appointed with the advice and consent of the Senate).

(3) The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).

(4) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).

(5) Eleven individuals appointed by the President, by and with the advice and consent of the Senate.

(c) Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b)) may be members of the same political party.

(d)(1) Each individual appointed to the Board under subsection (b)(5) shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States.

(2) Officers and employees of the United States Government may not be appointed to the Board under subsection (b)(5).

(e)(1) Members of the Board appointed under subsection (b)(5) shall be appointed to four year terms, except that—

(A) the term of six of the members initially appointed shall be two years, as designated by the President at the time of their nomination;

(B) a member may continue to serve until his or her successor is appointed; and

(C) a member appointed to replace a member whose term has not expired shall be appointed to serve the remainder of that term.

(2) The terms of the members of the Board initially appointed under subsection (b)(5) shall begin on January 20, 1985, and subsequent terms shall begin upon the expiration of the preceding term, regardless of when a member is appointed to fill that term.

(3) The President may not nominate an individual for appointment to the Board under subsection (b)(5) prior to January 20, 1985, but shall submit the names of eleven nominees for initial Board membership under subsection (b)(5) not later than ninety days after that date. If the Senate rejects such a nomination or if such a nomination is withdrawn, the President shall submit the name of a new nominee within fifteen days.

President of U.S.

(4) An individual appointed as a member of the Board under subsection (b)(5) may not be appointed to more than two terms on the Board.

(f) A member of the Board appointed under subsection (b)(5) may be removed by the President—

(1) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties;

(2) upon the recommendation of eight voting members of the Board; or

(3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with paragraph (2) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (h)(3). Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation.

Record.

(g) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been formally associated within a period of two years, except that this subsection shall not be construed to prohibit an ex officio member of the Board from participation in actions of the Board which pertain specifically to the public body of which that member is an officer.

(h) Meetings of the Board shall be conducted as follows:

President of U.S.

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President under subsection (b)(5) and may elect a Vice Chairman if so provided by the Institute's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board. A majority of the members of the Board shall constitute a quorum for any Board meeting.

Public availability. Federal Register, publication.

(3) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

(i) A director appointed by the President under subsection (b)(5) shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which the director is engaged in the performance of duties as a member of the Board.

(j) While away from his home or regular place of business in the performance of duties for the Institute, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b) of title 5, United States Code.

OFFICERS AND EMPLOYEES

22 USC 4606.

SEC. 1707. (a) The Board shall appoint the president of the Institute and such other officers as the Board determines to be necessary. The president of the Institute shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than that payable for level I of the Executive Schedule under chapter 53 of title 5, United States Code. 5 USC 5312.

(b) Subject to the provisions of section 1705(g)(3), the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, and undertake all other activities necessary for the efficient and proper functioning of the Institute. *Ante*, p. 2651.

(c) The president, subject to Institute's bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Institute as the president determines necessary to carry out the purposes of the Institute. In determining employee rates of compensation, the president shall be governed by the provisions of title 5, United States Code, relating to classification and General Schedule pay rates. 5 USC 5332.

(d)(1) The president may request the assignment of any Federal officer or employee to the Institute by an appropriate department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Institute if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) No officer or full-time employee of the Institute may receive any salary or other compensation for services from any source other than the Institute during the officer's or employee's period of employment by the Institute, except as authorized by the Board.

(f)(1) Officers and employees of the Institute shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, United States Code, which relate to Federal tort claims liability, and the provisions of title 5, United States Code, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section. 28 USC 2671 *et seq.* 5 USC 5101 *et seq.*, 5301, 5331, 8101, 8301 *et seq.*, 8901 *et seq.*

Prohibitions.

(2) No Federal funds shall be used to pay for private fringe benefit programs. The Institute shall not make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) No part of the financial resources, income, or assets of the Institute or of any legal entity created by the Institute shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Institute in amounts approved in accordance with the provisions of this title.

(h) The Institute shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Institute. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Institute for the amount of the loan until repayment thereof.

PROCEDURES AND RECORDS

22 USC 4607.

SEC. 1708. (a) The Institute shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this title to ensure that the provisions of this title and the bylaws, rules, regulations, and guidelines promulgated pursuant to this title are adhered to.

(b) The Institute shall prescribe procedures to ensure that grants, contracts, and financial support under this title are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) In selecting persons to participate in Institute activities, the Institute may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

Records.

Report.

(d) The Institute shall keep correct and complete books and records of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Institute's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Institute.

Records.

(e) The Institute shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) The Institute shall keep a record of the names and addresses of its Board members; copies of this title, of any other Acts relating to the Institute, and of all Institute bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial records of the Institute. All items required by this subsection may be inspected by any Board member or the member's agent or attorney for any proper purpose at any reasonable time.

Audit.

(g) The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Institute and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

Report.

(h) The Institute shall provide a report of the audit to the President and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Institute's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

(i) The Institute and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

98 STAT. 2659

INDEPENDENCE AND LIMITATIONS

SEC. 1709. (a) Nothing in this title may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Institute's budget request at the time it is transmitted to the Congress. 22 USC 4608.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Institute funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

FUNDING

SEC. 1710. (a) For the purpose of carrying out this title (except for paragraph (9) of section 1705(b)), there are authorized to be appropriated $6,000,000 for the fiscal year 1985 and $10,000,000 for the fiscal year 1986. Moneys appropriated for the fiscal year 1985 shall remain available to the Institute through the fiscal year 1986. 22 USC 4609.

(b) The Board of Directors may transfer to the legal entity authorized to be established under section 1704(c) any funds not obligated or expended from appropriations to the Institute for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States. Report.

(c) Any authority provided by this title to enter into contracts shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts. Contracts.

DISSOLUTION OR LIQUIDATION

SEC. 1711. Upon dissolution or final liquidation of the Institute or of any legal entity created pursuant to this title, all income and assets of the Institute or other legal entity shall revert to the United States Treasury. 22 USC 4610.

REPORTING REQUIREMENT AND REQUIREMENT TO HOLD HEARINGS

SEC. 1712. Beginning two years after the date of enactment of this title, and at intervals of two years thereafter, the Chairman of the Board shall prepare and transmit to the Congress and the President a report detailing the progress the Institute has made in carrying out the purposes of this title during the preceding two-year period. 22 USC 4611. The President shall prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Institute. President of U.S. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate shall hold hearings to review the Congress.

98 STAT. 2660

findings and recommendations of such report and the written comments received from the President.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 5167 (S. 2723):

HOUSE REPORTS: No. 98-691 (Comm. on Armed Services) and No. 98-1080 (Comm. of Conference).
SENATE REPORT No. 98-500 accompanying S. 2723 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 15-17, 23, 24, 30, 31, considered and passed House.
June 7, 8, 11-15, 18-20, S. 2723 considered in Senate; H.R. 5167, amended, passed in lieu.
Sept. 26, House agreed to conference report.
Sept. 27, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct. 19, Presidential statement.

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98 STAT. 3145

Public Law 98-600
98th Congress

An Act

Oct. 30, 1984
[H.R. 6101]

To amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone.

Housing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 2 of title I of the Panama Canal Act of 1979 is amended by adding after section 1217 the following new section:

"QUARTERS ALLOWANCES

22 USC 3657a.

"SEC. 1217a. (a) Notwithstanding paragraphs (2) and (3) of section 1211 of this Act, as used in this section—

"(1) 'position' means a civilian position; and

"(2) 'employee' means an individual serving in a position in the Department of Defense whose permanent duty station is in the area which, before October 1, 1979, was known as the Canal Zone.

President of U.S.

"(b) Under regulations prescribed by or under authority of the President, the Department of Defense may grant a quarters allowance in the case of—

"(1) any employee who is a citizen of the United States and who, before October 1, 1979, was employed by the Panama Canal Company, the Canal Zone Government, or any other agency, in the area then known as the Canal Zone; and

"(2) any other employee who is a citizen of the United States and who (before, on, or after the effective date of this section) is or was recruited within the United States;

for whom adequate Government owned or leased quarters are not made available.

"(c) The amount of any quarters allowance granted to an employee under this section shall be determined in accordance with the regulations prescribed under subsection (b) of this section, except that such allowance for any period may not exceed the amount, if any, by which—

"(1) the lesser of—

Utilities.

"(A) the actual expenses for rent and utilities incurred by the employee during such period while occupying quarters other than Government owned or leased quarters; or

"(B) the maximum amount which would be authorized for such employee with respect to such period under the Department of State Standardized Regulations (Government Civilians, Foreign Areas) if such employee were covered by those regulations;

exceeds

"(2) the estimated total cost of rent and utilities which the employee would have been charged if Government owned or leased quarters had been provided on a rental basis during such period.

98 STAT. 3146

"(d) The provisions of this section shall apply without regard to whether any election by the Department of Defense under section 1212(b) of this Act is then in effect.".

(b) The table of contents for the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1217 the following new item:

"1217a. Quarters allowances.".

Effective date.
22 USC 3657a note.

SEC. 2. The amendments made by this Act shall take effect on October 1, 1984, and shall apply with respect to utility costs incurred, and rent payable for any period beginning, on or after that date.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 6101:

HOUSE REPORT No. 98-1077, Pt. 1 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 1, considered and passed House.
Oct. 5, considered and passed Senate.

Public Law 98-618
98th Congress

98 STAT. 3298

An Act

To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Nov. 8, 1984
[H.R. 5399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1985".

Intelligence Authorization Act for fiscal year 1985.
Defense and national security.

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.

(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate, as amended by agreement of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. That Amended Schedule of Authorizations, dated October 4, 1984, signed by the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives, and on file at the offices of those committees, shall be made available to the Committees on Appropriations of the Senate and the House of Representatives, and to the President. The President shall provide for suitable distribution of the amended schedule, or of appropriate portions of the amended schedule, within the executive branch.

President of U.S.

98 STAT. 3299

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of $104,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of $14,500,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of $20,800,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full-time personnel as of September 30, 1985. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 the sum of $99,300,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM RULES AND REGULATIONS

SEC. 302. Section 201(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking "to become effective after approval by the chairman and ranking minority members of the Armed Services

Committees of the House and Senate." and inserting in lieu thereof "to be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before they take effect.".

98 STAT. 3301

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

SEC. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"SECURITY PERSONNEL AT AGENCY INSTALLATIONS

50 USC 503*o*. "SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations, and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

Penalties. "(b) The Director is authorized to estabish penalties for violations of the rules or regulations promulgated by the Director under subsection (a) of this section. Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c).

"(c) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.".

TITLE V—DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT IMPROVEMENTS

CIVILIAN PERSONNEL MANAGEMENT

SEC. 501. (a) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1604. **"§ 1604. Civilian personnel management**

"(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

"(2) appoint individuals to such positions; and

"(3) fix the compensation of such individuals for service in such positions.

"(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Prohibition. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence 98 STAT. 3302 Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

"(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

5 USC 5341.

"(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

"(1) living costs substantially higher than in the District of Columbia;

"(2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(3) both of the factors described in paragraphs (1) and (2).

Employment and unemployment.

"(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

"(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

"(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.".

(b) The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by adding after the item relating to section 1603 the following new item:

"1604. Civilian personnel management.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 502. (a) Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (viii);

(2) by inserting "or" at the end of clause (ix); and

(3) by inserting after clause (ix) the following new clause:

"(x) the Defense Intelligence Agency, Department of Defense;".

(b) Section 5342(a)(1) of such title is amended—

5 USC 5342.

(1) by striking out "or" at the end of subparagraph (I);

(2) by inserting "or" at the end of subparagraph (J); and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Defense Intelligence Agency, Department of Defense;".

TITLE VI—COUNTERINTELLIGENCE AND OFFICIAL REPRESENTATION

POLICY TOWARD CERTAIN AGENTS OF FOREIGN GOVERNMENTS

22 USC 254c-1.

SEC. 601. (a) It is the sense of the Congress that the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States should not exceed the respective numbers, status, privileges and immunities, travel accommodations, and facilities within such country of official representatives of the United States to such country.

Report.

(b) Beginning one year after the date of enactment of this section, and at intervals of one year thereafter, the President shall prepare and transmit to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives a report on the numbers, status, privileges and immunities, travel, accommodations, and facilities within the United States of official representatives to the United States of any foreign government that engages in intelligence activities within the United States harmful to the national security of the United States and the respective numbers, status, privileges and immunities, travel, accommodations, and facilities within such country of official representatives of the United States to such country, and any action which may have been taken with respect thereto.

97 Stat. 1043.

(c) Section 203 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303) is amended—

(1) in subsection (a) by striking out the fifth sentence; and

(2) by amending subsection (b) to read as follows:

"(b) There shall also be a Deputy Director of the Office of Foreign Missions. Either the Director or the Deputy Director of such Office shall be an individual who has served in the United States Foreign Service, while the other of the two shall be an individual who has served in the United States Intelligence Community.".

22 USC 4303 note.

(d) The amendments made by subsection (c) shall apply only with respect to any appointment of a Director or Deputy Director of the Office of Foreign Missions, as the case may be, after the date of enactment of this section.

98 STAT. 3304

TITLE VII—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

97 Stat. 1473.

SEC. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.

Ante, p. 1837.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 5399 (S. 2713):

HOUSE REPORTS: No. 98-743, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services).
SENATE REPORTS: No. 98-481 (Select Comm. on Intelligence) and No. 98-543 (Comm. on Foreign Relations), both accompanying S. 2713.
CONGRESSIONAL RECORD, Vol. 130 (1984):
 Aug. 2, considered and passed House.
 Oct. 11, considered and passed Senate, amended, in lieu of S. 2713; House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 20, No. 45 (1984):
 Nov. 9, Presidential statement.

DISTRICT OF COLUMBIA ACTS

Public Law 98-235
98th Congress

98 STAT. 65

An Act

To raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals.

Mar. 19, 1984
[H.R. 3655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1502 of title 11 of the District of Columbia Code is amended by striking out "70" and inserting in lieu thereof "74".

SEC. 2. Section 903 of title 11 of the District of Columbia Code is amended by striking out "forty-three" and inserting in lieu thereof "fifty".

SEC. 3. Notwithstanding the time limitations of section 434(d)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the District of Columbia Judicial Nomination Commission shall submit lists, pursuant to such section, for initial nominations and appointments to judicial positions created under this Act, within ninety days after the date of enactment of this Act.

87 Stat. 796.

Approved March 19, 1984.

LEGISLATIVE HISTORY—H.R. 3655:

HOUSE REPORT No. 98-394 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Oct. 4, considered and passed House.
Vol. 130 (1984): Feb. 9, considered and passed Senate, amended.
Feb. 22, House concurred in Senate amendment with an amendment.
Mar. 2, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 12 (1984):
Mar. 19, Presidential statement.

Public Law 98-315
98th Congress

98 STAT. 241

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans.

June 12, 1984
[H.R. 3547]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 723(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-421 note) is amended by striking out "October 1, 1982, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1983, for the government of the District of Columbia, whichever is later" in the first sentence and inserting in lieu thereof "October 1, 1983, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1984, for the government of the District of Columbia, whichever is later".

Approved June 12, 1984.

LEGISLATIVE HISTORY—H.R. 3547:

HOUSE REPORT No. 98-302 (Comm. on the District of Columbia).
SENATE REPORT No. 98-447 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): July 25, considered and passed House.
Vol. 130 (1984): May 24, considered and passed Senate.

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98 STAT. 242

Public Law 98-316
98th Congress

An Act

June 12, 1984
[H.R. 5308]

To amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) is amended by striking out "and for the fiscal year ending September 30, 1984, and for each fiscal year ending after September 30, 1984, the sum of $386,000,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1984, the sum of $386,000,000; and for the fiscal year ending September 30, 1985, and for each fiscal year ending after September 30, 1985, the sum of $425,000,000".

87 Stat. 774.

Approved June 12, 1984.

LEGISLATIVE HISTORY—H.R. 5308:

HOUSE REPORT No. 98-736 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 14, considered and passed House.
May 24, considered and passed Senate.

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98 STAT. 3142

Public Law 98-598
98th Congress

An Act

Oct. 30, 1984
[H.R. 6007]

To establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Retired Judge Service Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Retired Judge Service Act".

SERVICE OF RETIRED JUDGES

SEC. 2. (a) Section 11-1504 of the District of Columbia Code is amended to read as follows:

"§ 11-1504. Services of Retired Judges

"(a)(1) A judge, retired for reasons other than disability, who has been favorably recommended and appointed as a senior judge, in accordance with subsection (b), may perform such judicial duties as such senior judge is assigned and willing and able to undertake. A senior judge shall be subject to reappointment every two years in accordance with subsection (b). Except as provided under this section, retired judges may not perform judicial duties in District of Columbia courts.

"(2) Within 180 days of the date of retirement, a judge may request recommendation from the District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter in this section referred to as the "Commission") to be appointed as a senior judge in accordance with this section.

"(3) Retired judges actively serving on the date of enactment of the District of Columbia Retired Judge Service Act and willing to continue to perform judicial duties shall request recommendation from the Commission to be appointed as senior judges within 180 days of the date of enactment of such Act in accordance with this section.

"(b)(1) A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

"(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge and the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final. 98 STAT. 3143

"(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final.

"(c) A judge may continue to perform judicial duties upon retirement, without appointment as a senior judge, until such judge's successor assumes office.

"(d) A retired judge, actively performing judicial duties as of the date of enactment of the District of Columbia Retired Judge Service Act, may continue to perform such judicial duties as he or she may be willing and able to assume, subject to the approval of the appropriate chief judge, for a period not to exceed one year from the date of enactment of such Act, without appointment as a senior judge.".

(b) Section 431(g) of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting "and to make recommendations regarding the appointment of senior judges of the District of Columbia courts as provided in section 11-1504 of the District of Columbia Code" after "in section 432".

RETIREMENT BENEFITS FOR EXECUTIVE OFFICER OF THE DISTRICT OF COLUMBIA COURTS

SEC. 3. Section 11-1703(c) of title 11, District of Columbia Code, is amended by inserting ", including retirement benefits," after "compensation".

CHANGES IN THE SMALL CLAIMS COURT OF THE DISTRICT OF COLUMBIA

SEC. 4. Section 1321 of title 11 of the District of Columbia Code is amended by striking out "$750" and inserting in lieu thereof "$2,000".

EFFECTIVE DATE

SEC. 5. The provisions of this Act shall take effect on the date of the enactment of this Act.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 6007:

HOUSE REPORT No. 98-910 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    July 30, considered and passed House.
    Sept. 28, considered and passed Senate, amended.
    Oct. 9, House concurred in Senate amendments.

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98 STAT. 3369

Public Law 98-621
98th Congress

An Act

Nov. 8, 1984
[H.R. 6224]

To provide for the assumption of selected functions, programs, and resources of Saint Elizabeths Hospital by the District of Columbia, to provide for the establishment of a comprehensive mental health care system in the District of Columbia, and for other purposes.

Saint Elizabeths Hospital and District of Columbia Mental Health Services Act.
24 USC 225 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Saint Elizabeths Hospital and District of Columbia Mental Health Services Act".

FINDINGS AND PURPOSES

24 USC 225.

SEC. 2. (a) The Congress makes the following findings:

(1) Governmentally administered mental health services in the District of Columbia are currently provided through two separate public entities, the federally administered Saint Elizabeths Hospital and the Mental Health Services Administration of the District of Columbia Department of Human Resources.

(2) The District of Columbia has a continuing responsibility to provide mental health services to its residents.

(3) The Federal Government, through its operation of a national mental health program at Saint Elizabeths Hospital, has for over 100 years assisted the District of Columbia in carrying out that responsibility.

(4) Since its establishment by Congress in 1855, Saint Elizabeths Hospital has developed into a respected national mental health hospital and study, training, and treatment center, providing a range of quality mental health and related services, including—

(i) acute and chronic inpatient psychiatric care;

(ii) outpatient psychiatric and substance abuse clinical and related services;

(iii) Federal court system forensic psychiatry referral, evaluation, and patient treatment services for prisoners, and for individuals awaiting trial or requiring post-trial or post-sentence psychiatric evaluation;

(iv) patient care and related services for designated classes of individuals entitled to mental health benefits under Federal law, such as certain members and employees of the United States Armed Forces and the Foreign Service, and residents of American overseas dependencies;

(v) District of Columbia court system forensic psychiatry referral, evaluation, and patient treatment services for pris-

oners, and for individuals awaiting trial or requiring post-trial or post-sentence psychiatric evaluation;

(vi) programs for special populations such as the mentally ill deaf;

98 STAT. 3370

(vii) support for basic and applied clinical psychiatric research and related patient services conducted by the National Institute of Mental Health and other institutions; and

(viii) professional and paraprofessional training in the major mental health disciplines.

(5) The continuation of the range of services currently provided by federally administered Saint Elizabeths Hospital must be assured, as these services are integrally related to—

(i) the availability of adequate mental health services to District of Columbia residents, nonresidents who require mental health services while in the District of Columbia, individuals entitled to mental health services under Federal law, and individuals referred by both Federal and local court systems; and

(ii) the Nation's capacity to increase our knowledge and understanding about mental illness and to facilitate and continue the development and broad availability of sound and modern methods and approaches for the treatment of mental illness.

(6) The assumption of all or selected functions, programs, and resources of Saint Elizabeths Hospital from the Federal Government by the District of Columbia, and the integration of those functions, resources, and programs into a comprehensive mental health care system administered solely by the District of Columbia, will improve the efficiency and effectiveness of the services currently provided through those two separate entities by shifting the primary focus of care to an integrated community-based system.

Home rule.

(7) Such assumption of all or selected functions, programs, and resources of Saint Elizabeths Hospital by the District of Columbia would further the principle of home rule for the District of Columbia.

(b) It is the intent of Congress that—

(1) the District of Columbia have in operation no later than October 1, 1991, an integrated coordinated mental health system in the District which provides—

(A) high quality, cost-effective, and community-based programs and facilities;

(B) a continuum of inpatient and outpatient mental health care, residential treatment, and support services through an appropriate balance of public and private resources; and

(C) assurances that patient rights and medical needs are protected;

(2) the comprehensive District mental health care system be in full compliance with the Federal court consent decree in Dixon v. Heckler;

(3) the District and Federal Governments bear equitable shares of the costs of a transition from the present system to a comprehensive District mental health system;

Employment and unemployment.

(4) the transition to a comprehensive District mental health system provided for by this Act be carried out with maximum consideration for the interests of employees of the Hospital and provide a right-of-first-refusal to such employees for employment at comparable levels in positions created under the system implementation plan;

98 STAT. 3371

Employment and unemployment.

(5) the Federal Government have the responsibility for the retraining of Hospital employees to prepare such employees for the requirements of employment in a comprehensive District mental health system;

Research and development.

(6) the Federal Government continue high quality mental health research, training, and demonstration programs at Saint Elizabeths Hospital;

(7) the District government establish and maintain accreditation and licensing standards for all services provided in District mental health facilities which assure quality care consistent with appropriate Federal regulations and comparable with standards of the Joint Commission on Accreditation of Hospitals; and

(8) the comprehensive mental health system plan include a component for direct services for the homeless mentally ill.

DEFINITIONS

24 USC 225a.

SEC. 3. For the purpose of this Act:

(1) The term "Hospital" means the institution in the District of Columbia known as Saint Elizabeths Hospital operated on the date of the enactment of this Act by the Secretary of Health and Human Services.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "Mayor" means the Mayor of the District of Columbia.

(4) The term "District" means the District of Columbia.

(5) The term "Federal court consent decree" means the consent decree in Dixon v. Heckler, Civil Action No. 74-285.

(6) The term "service coordination period" means a period beginning on the effective date of this Act and terminating on October 1, 1987.

(7) The term "financial transition period" means a period beginning on the effective date of this Act and terminating on October 1, 1991.

(8) The term "system implementation plan" means the plan for a comprehensive mental health system for the District of Columbia to be developed pursuant to this Act.

(9) The term "Council" means the Council of the District of Columbia.

DEVELOPMENT OF PLAN FOR MENTAL HEALTH SYSTEM FOR THE DISTRICT

24 USC 225b.

SEC. 4. (a)(1) Subject to subsection (g) of this section and section 9(b)(1), effective October 1, 1987, the District shall be responsible for the provision of mental health services to residents of the District.

(2) Not later than October 1, 1991, the Mayor shall complete the implementation of the final system implementation plan reviewed by the Congress and the Council in accordance with the provisions of this Act for the establishment of a comprehensive District mental health system to provide mental health services and programs through community mental health facilities to individuals in the District of Columbia.

(b)(1) The Mayor shall prepare a preliminary system implementation plan for a comprehensive mental health system no later than 3 months from the effective date of this Act, and a final implementation plan no later than 12 months from the effective date of this Act.

98 STAT. 3372

(2) The Mayor shall submit the preliminary system implementation plan to the Council no later than 3 months from the effective date of this Act. The Council shall review such plan and transmit written recommendations to the Mayor regarding any revisions to such plan no later than 60 days after such submission. The Mayor shall submit the revised preliminary plan to the Committee on the District of Columbia of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate for review and comment in accordance with the provisions of this Act.

(3) The final system implementation plan shall be considered by the Council consistent with the provisions of section 422(12) of the

District of Columbia Self-Government and Governmental Reorganization Act.

87 Stat. 790

(4) After the review of the Council pursuant to paragraph (3), the Mayor shall submit the final implementation plan to the Committee on the District of Columbia of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate for review and comment in accordance with the provisions of this Act.

(c) The system implementation plan shall—

(1) propose and describe an integrated, comprehensive, and coordinated mental health system for the District of Columbia;

(2) identify the types of treatment to be offered, staffing patterns, and the proposed sites for service delivery within the District of Columbia comprehensive mental health system;

(3) identify mechanisms to attract and retain personnel of appropriate number and quality to meet the objectives of the comprehensive mental health system;

(4) be in full compliance with the Federal court consent decree in Dixon v. Heckler and all applicable District of Columbia statutes and court decrees;

(5) identify those positions, programs, and functions at Saint Elizabeths Hospital which are proposed for assumption by the District, those facilities at Saint Elizabeths Hospital which are proposed for utilization by the District under a comprehensive District mental health system, and the staffing patterns and programs at community facilities to which the assumed functions are to be integrated;

(6) identify any capital improvements to facilities at Saint Elizabeths Hospital and elsewhere in the District of Columbia proposed for delivery of mental health services, which are necessary for the safe and cost effective delivery of mental health services; and

(7) identify the specific real property, buildings, improvements, and personal property to be transferred pursuant to section 8(a)(1) of this Act needed to provide mental health and other services provided by the Department of Human Services under the final system implementation plan.

(d)(1) The Mayor shall develop the system implementation plan in close consultation with officials of Saint Elizabeths Hospital, through working groups to be established by the Secretary and the Mayor for that purpose.

Labor-management advisory committee, establishment.

98 STAT. 3373

(2) The Mayor and the Secretary shall establish a labor-management advisory committee, requesting the participation of Federal and District employee organizations affected by this Act, to make recommendations on the system implementation plan. The committee shall consider staffing patterns under a comprehensive District mental health care system, retention of Hospital employees under such system, Federal retraining for such employees, and any other areas of concern related to the establishment of a comprehensive District system. In developing the system implementation plan the Mayor shall carefully consider the recommendations of the committee. Such advisory committee shall not be subject to the Federal Advisory Committee Act.

5 USC app.

(3) The Mayor and such working groups shall, in developing the plan, solicit comments from the public, which shall include professional organizations, provider agencies and individuals, and mental health advocacy groups in the District of Columbia.

(e)(1) The Mayor and the Secretary may, during the service coordination period, by mutual agreement and consistent with the requirements of the system implementation plan direct the shift of selected program responsibilities and staff resources from Saint Elizabeths Hospital to the District. The Secretary may assign staff occupying positions in affected programs to work under the supervision of the District. The Mayor shall notify the Committee on the District of Columbia of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental

Affairs of the Senate in writing of any planned shift in program responsibilites or staff resources not less than 30 days prior to the implementation of such shift.

Prohibition. (2)(A) Except as provided in subparagraph (B), after October 1, 1984, and during the service coordination period, no request for proposals may be issued by the Secretary for any areas of commercial activity at the Hospital pursuant to Office of Management and Budget circular A-76.

(B) The limitation under subparagraph (A) shall not apply to studies initiated pursuant to such circular prior to October 1, 1984.

Audit. (f)(1) To assist the Mayor in the development of the system implementation plan, the Secretary shall contract for a financial audit and a physical plant audit of all existing facilities at the Hospital to be completed by January 1, 1986. The financial audit shall be conducted according to generally accepted accounting principles. The physical plant audit shall recognize any relevant national and District codes and estimate the useful life of existing facility support systems.

(2)(A) Pursuant to such physical plant audit, the Secretary shall initiate not later than October 1, 1987, and complete not later than October 1, 1991, such repairs and renovations to such physical plant and facility support systems of the Hospital as are to be utilized by the District under the system implementation plan as part of a comprehensive District mental health system, as are necessary to meet any applicable code requirements or standards.

(B) At a minimum until October 1, 1987, the Secretary shall maintain all other facilities and infrastructure of the Hospital not assumed by the District in the condition described in such audit.

(g) During the service coordination period, the District of Columbia and the Secretary, to the extent provided in the Federal court consent decree, shall be jointly responsible for providing citizens with the full range and scope of mental health services set forth in such decree and the system implementation plan. No provision of

98 STAT. 3374 this Act or any action or agreement during the service coordination period may be so construed as to absolve or relieve the District or the Federal Government of their joint or respective responsibilities to implement fully the mandates of the Federal court consent decree.

CONGRESSIONAL REVIEW OF SYSTEM IMPLEMENTATION PLAN

24 USC 225c. SEC. 5. (a) The Committee on the District of Columbia of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate shall review the preliminary system implementation plan transmitted by the Mayor pursuant to section 4 of this Act to determine the extent of its compliance with the provisions of section 2(b) and section 4 of this Act, and transmit written recommendations regarding any revisions to the preliminary plan to the Mayor not later than 60 days after receipt of such plan.

(b) The Committee on the District of Columbia of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate shall, within 90 days of submission of the final system implementation plan by the Mayor pursuant to section 4 of this Act, review such plan to determine the extent to which it is in compliance with the provisions of section 2(b) and section 4 of this Act.

TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOSPITAL

Retirement. 24 USC 225d. SEC. 6. (a) Employees of the Hospital directly affected by the assumption of programs and functions by the District government who meet the requirements for immediate retirement under the provisions of section 8336(d) of title 5, United States Code, shall be accorded the opportunity to retire during the 30-day period prior to the assumption of such programs and functions.

(b)(1) The system implementation plan shall prescribe the specific number and types of positions needed by the District government at the end of the service coordination period.

(2) Notwithstanding section 3503 of title 5, United States Code, employees of the Hospital shall only be transferred to District employment under the provisions of this section.

(c)(1) While on the retention list or the District or Federal agency reemployment priority list, the system implementation plan shall provide to Hospital employees a right-of-first-refusal to District employment in positions for which such employees may qualify, (A) created under the system implementation plan in the comprehensive District mental health system, (B) available under the Department of Human Services of the District, and (C) available at the District of Columbia General Hospital.

(2) In accordance with Federal regulations, the Secretary shall establish retention registers of Hospital employees and provide such retention registers to the District government. Employment in positions identified in the system implementation plan under subsection (b) shall be offered to Hospital employees by the District government according to each such employee's relative standing on the retention registers.

(3) Employee appeals concerning the retention registers established by the Secretary shall be in accordance with Federal regulations.

(4) Employee appeals concerning employment offers by the District shall be in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

(d)(1) Notwithstanding any other provision of law, employees of the Hospital, while on the Federal agency reemployment priority list, shall have a right-of-first-refusal to employment in comparable available positions for which they qualify within the Department of Health and Human Services in the Washington metropolitan area.

(2) If necessary to separate employees of the Hospital from Federal employment, such employees may be separated only under Federal reduction-in-force procedures.

(3) A Federal agency reemployment priority list and a displaced employees program shall be maintained for employees of the Hospital by the Secretary and the Office of Personnel Management in accordance with Federal regulations for Federal employees separated by reduction-in-force procedures.

(4) The Mayor shall create and maintain, in consultation with the Secretary, a District agency reemployment priority list of those employees of the Hospital on the retention registers who are not offered employment under subsection (c). Individuals who refuse an offer of employment under subsection (c) shall be ineligible for inclusion on the District agency reemployment priority list. Such reemployment priority list shall be administered in accordance with procedures established pursuant to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139).

(5) Acceptance of nontemporary employment as a result of referral from any retention list or agency reemployment priority list shall automatically terminate an individual's severance pay as of the effective date of such employment.

Contracts.

(e) Any contract entered into by the District of Columbia for the provision of mental health services formerly provided by or at the Hospital shall require the contractor or provider, in filling new positions created to perform under the contract, to give preference to qualified candidates on the District agency reemployment priority list created pursuant to subsection (d) of this section. An individual who is offered nontemporary employment with a contractor shall have his or her name remain on the District agency reemployment priority list under subsection (d) for not more than 24 months from the date of acceptance of such employment.

CONDITIONS OF EMPLOYMENT FOR FORMER EMPLOYEES OF THE HOSPITAL

24 USC 225e.

SEC. 7. (a) Each individual accepting employment without a break in service with the District government pursuant to section 6 shall—

(1) except as specifically provided in this Act, be required to meet all District qualifications other than licensure requirements for appointment required of other candidates, and shall become District employees in the comparable District service subject to the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, and all other statutes and regulations governing District personnel;

(2) meet all licensure requirements within 18 months of appointment by the District government;

5 USC 6301 *et seq.*

(3) notwithstanding chapter 63 of title 5, United States Code, transfer accrued annual and sick leave balances pursuant to

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title XII of the District of Columbia Comprehensive Merit Personnel Act of 1978;

(4) have the grade and rate of pay determined in accordance with regulations established pursuant to title XI of the District of Columbia Comprehensive Merit Personnel Act of 1978, except that no employee shall suffer a loss in the basic rate of pay or in seniority;

(5) if applicable, retain a rate of pay including the physician's comparability allowance under the provisions of section 5948 of title 5, United States Code, and continue to receive such allowance under the terms of the then prevailing agreement until its expiration or for a period of 2 years from the date of appointment by the District government, whichever occurs later;

(6) be entitled to the same health and life insurance benefits as are available to District employees in the applicable service;

(7) if employed by the Federal Government before January 1, 1984, continue to be covered by the United States Civil Service Retirement System, under chapter 83 of title 5, United States Code, to the same extent that such retirement system covers District Government employees; and

5 USC 8301 *et seq.*

(8) if employed by the Federal Government on or after January 1, 1984, be subject to the retirement system applicable to District government employees pursuant to title XXVI, Retirement, of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

(b) An individual appointed to a position in the District government without a break in service, from the retention list, or from the District or Federal agency reemployment priority lists shall be exempt from the residency requirements of title VIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

5 USC 8101 *et seq.*

(c) An individual receiving compensation for work injuries pursuant to chapter 81 of title 5, United States Code, shall—

(1) continue to have the claims adjudicated and the related costs paid by the Federal Government until such individual recovers and returns to duty;

(2) if medically recovered and returned to duty, have any subsequent claim for the recurrence of the disability determined and paid under the provisions of title XXIII of the District of Columbia Comprehensive Merit Personnel Act of 1978.

(d) The District government may initiate or continue an action against an individual who accepts employment under section 6(c) for cause related to events that occur prior to the end of the service coordination period. Any such action shall be conducted in accordance with such Federal laws and regulations under which action would have been conducted had the assumption of function by the District not occurred.

(e) Commissioned public health service officers detailed to the

District of Columbia mental health system shall not be considered employees for purposes of any full-time employee equivalency total of the Department of Health and Human Services.

(f) For purposes of this section, Hospital employees shall include former patient employees occupying career positions at the Hospital.

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PROPERTY TRANSFER

Effective dates. 24 USC 225f.

SEC. 8. (a)(1) Except as provided in paragraph (2), on October 1, 1987, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States in all real property at Saint Elizabeths Hospital in the District of Columbia together with any buildings, improvements, and personal property used in connection with such property needed to provide mental health and other services provided by the Department of Human Services indentified pursuant to section 4(c)(7) of this Act.

(2) Such real property as is identified by the Secretary by September 30, 1987, as necessary to Federal mental health programs at Saint Elizabeths Hospital under section 2(b)(5) shall not be transferred under this subsection.

Development plan.

(b) On or before October 1, 1991, the Mayor shall prepare, and submit to the Committee on the District of Columbia of the House of Representatives and the Committees on Governmental Affairs and Labor and Human Resources of the Senate, a master plan, not inconsistent with the comprehensive plan for the National Capital, for the use of all real property, buildings, improvements, and personal property comprising Saint Elizabeths Hospital in the District of Columbia not transferred or excluded pursuant to subsection (a) of this section. In developing such plan, the Mayor shall consult with, and provide an opportunity for review by, appropriate Federal, regional, and local agencies. Such master plan submitted by the Mayor shall be approved by a law enacted by the Congress within the twelve-month period following the date such plan is submitted to the Committee on the District of Columbia of the House of Representatives and the Committees on Governmental Affairs and Labor and Human Resources of the Senate. Immediately upon the approval of any such law, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States in and to such property in accordance with such approved plan. The real property, together with the buildings and other improvements thereon, including personal property used in connection therewith, known as the Oxon Cove Park and operated by the National Park Service, Department of the Interior, shall not be transferred under this Act.

(c) On October 1, 1985, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States to lot 87, square 622, in the subdivision made by the District of Columbia Redevelopment Land Agency, as per plat recorded in the Office of the Surveyor for the District of Columbia, in liber 154 at folio 149 (901 First Street N.W., the J.B. Johnson Building and grounds).

FINANCING PROVISIONS

Appropriation authorization. Grants. 24 USC 225g.

SEC. 9. (a) There are authorized to be appropriated for grants by the Secretary of Health and Human Services to the District of Columbia comprehensive mental health system, $30,000,000 for fiscal year 1988, $24,000,000 for fiscal year 1989, $18,000,000 for fiscal year 1990, and $12,000,000 for fiscal year 1991.

(b)(1) Beginning on October 1, 1987, and in each subsequent fiscal year, the appropriate Federal agency is directed to pay the District of Columbia the full costs for the provision of mental health diagnostic and treatment services for the following types of patients:

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(A) Any individual referred to the system pursuant to a Federal statute or by a responsible Federal agency.

(B) Any individual referred to the system for emergency detention or involuntary commitment after being taken into custody (i) as a direct result of the individual's action or threat of action against a Federal official, (ii) as a direct result of the individual's action or threat of action on the grounds of the White House or of the Capitol, or (iii) under chapter 9 of title 21 of the District of Columbia Code.

(C) Any individual referred to the system as a result of a criminal proceeding in a Federal court (including an individual admitted for treatment, observation, and diagnosis and an individual found incompetent to stand trial or found not guilty by reason of insanity). The preceding provisions of this paragraph apply to any individual referred to the system (or to Saint Elizabeths Hospital) before or after the date of enactment of this Act.

Compacts between States.

(2) The responsibility of the United States for the cost of services for individuals described in paragraph (1) shall not affect the treatment responsibilities to the District of Columbia under the Interstate Compact on Mental Health.

(c)(1) During the service coordination and the financial transition periods, the District of Columbia shall gradually assume a greater share of the financial responsibility for the provision of mental health services provided by the system to individuals not described in subsection (b).

87 Stat. 813.

(2) Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(A) by inserting "(a)" after "Sec. 502.", and

(B) by adding at the end the following:

Appropriation authorization.

"(b)(1) Except as otherwise provided by paragraph (2), there are authorized to be appropriated, in addition to the amounts authorized to be appropriated under subsection (a), $25,000,000 for fiscal year 1986, $35,000,000 for fiscal year 1987, $30,000,000 for fiscal year 1988, $20,000,000 for fiscal year 1989, $15,000,000 for fiscal year 1990, and $10,000,000 for fiscal year 1991 to the District of Columbia for establishing and maintaining a comprehensive mental health system.

"(2) For each of the fiscal years 1986 through 1990 there is authorized to be appropriated, in addition to the amount authorized under paragraph (1), an amount equal to one-third of the amount authorized under paragraph (1) for the succeeding fiscal year. The amount authorized to be appropriated under paragraph (1) for any such succeeding fiscal year shall be reduced by the amount appropriated for the preceding fiscal year under the first sentence of this paragraph.".

(d) Subject to section 4(f)(2), capital improvements to facilities at Saint Elizabeths Hospital authorized during the service coordination period shall be the shared responsibility of the District and the Federal Government in accordance with Public Law 83-472.

68 Stat. 434.

(e) Pursuant to the financial audit under section 4(f), any unassigned liabilities of the Hospital shall be assumed by and shall be the sole responsibility of the Federal Government.

Audit.

(f)(1) After the service coordination period, the Secretary shall conduct an audit, under generally accepted accounting procedures, to identify the liability of the Federal Government for accrued

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annual leave balances for those employees assumed by the District under the system implementation plan.

Appropriation authorization.

(2) There is authorized to be appropriated for payment by the Federal Government to the District an amount equal to the liability identified by such audit.

(g) Nothing in this Act shall affect the authority of the District of Columbia under any other statute to collect costs billed by the District of Columbia for mental health services, except that payment for the same costs may not be collected from more than one party.

Claims.

(h) The Government of the United States shall be solely responsible for—

(1) all claims and causes of action against Saint Elizabeths Hospital that accrue before October 1, 1987, regardless of the date on which legal proceedings asserting such claims were or may be filed, except that the United States shall, in the case of any tort claim, only be responsible for any such claim against the United States that accrues before October 1, 1987, and the United States shall not compromise or settle any claim resulting in District liability without the consent of the District, which consent shall not be unreasonably withheld; and

(2) all claims that result in a judgment or award against Saint Elizabeths Hospital before October 1, 1987.

REPEALS AND CONFORMING AMENDMENTS

SEC. 10. (a) Chapter 4 of title LIX of the Revised Statutes of the United States (24 U.S.C. 161, 165, 170, 191, 211, 211a, 211b, and 221, and D.C. Code 32-405 and 32-406) is repealed.

(b) The matter under the subheading "SAINT ELIZABETHS HOSPITAL." under the heading "DEPARTMENT OF THE INTERIOR." in the first section of an Act of June 5, 1920, chapter 235 of the laws of the second session of the 66th Congress, is amended by striking out the second sentence (24 U.S.C. 166). 41 Stat. 919.

(c) The matter under the subheading "SAINT ELIZABETHS HOSPITAL." under the heading "DEPARTMENT OF THE INTERIOR." in the first section of the Second Deficiency Appropriation Act, fiscal year 1920, is amended by striking out the second and third sentences (24 U.S.C. 168 and 176). 41 Stat. 513.

(d)(1) An Act of August 4, 1947, chapter 478 of the laws of the first session of the 80th Congress (24 U.S.C. 168a, 169, 169a, 185, and 195a), is repealed.

(2) The matter under the heading "Saint Elizabeths Hospital" in title II of the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1955, is amended by striking out all that follows "$110,000" before the period. 68 Stat. 437.

(e) The matter under the subheading "GOVERNMENT HOSPITAL FOR THE INSANE." under the heading "UNDER THE DEPARTMENT OF THE INTERIOR." in the first section of an Act of August 24, 1912, chapter 355 of the laws of the second session of the 62d Congress, is amended by striking out the second sentence (24 U.S.C. 171). 37 USC 461.

(f) The first sentence under the subheading "GOVERNMENT HOSPITAL FOR THE INSANE." under the heading "MISCELLANEOUS OBJECTS." in the first section of an Act of August 7, 1882, chapter 433 of the laws of the first session of the 47th Congress, is amended by striking out— 22 Stat. 329.

98 STAT. 3380

(1) "; and that hereafter the surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital, and proceeds to be used and accounted for the same as its other funds:" (24 U.S.C. 172), and

(2) the two provisos (24 U.S.C. 165 and 195), and by inserting in lieu thereof a period.

(g) The matter under the subheading "SAINT ELIZABETHS HOSPITAL." and that subheading under the heading "DEPARTMENT OF THE INTERIOR." of the Act of April 17, 1917 (24 U.S.C. 175), are repealed. 40 Stat. 19.

(h) The matter under the subheading "GOVERNMENT HOSPITAL FOR THE INSANE." under the heading "UNDER THE DEPARTMENT OF THE INTERIOR." in the first section of an Act of June 30, 1906, chapter 3914 of the laws of the first session of the 59th Congress, is amended by striking out the last three sentences (24 U.S.C. 177). 34 Stat. 730.

(i) An Act of May 9, 1941, chapter 101 of the laws of the first session of the 77th Congress (24 U.S.C. 180), is repealed.

(j) The Act of November 15, 1941 (24 U.S.C. 181, 182, 183, and 184) is repealed. 55 Stat. 760.

(k)(1) The matter under the heading "PAY, MISCELLANEOUS." of an Act of August 29, 1916, chapter 417 of the laws of the first session of the 64th Congress, is amended by striking out "Hereafter interned persons and prisoners of war, under the jurisdiction of the Navy Department, who are or may become insane, shall be entitled to admission for treatment to the Government Hospital for the Insane." (24 U.S.C. 192). 39 Stat. 557.

(2) The matter under the subheading "Saint Elizabeths Hospital." under the heading "DEPARTMENT OF THE INTERIOR." in the first section of an Act of October 6, 1917, chapter 79 of the laws of the first session of the 65th Congress, is amended by striking out the third through sixth sentences (24 U.S.C. 192, 199, and 200). 40 Stat. 373.

(l) The matter under the subheading "Government Hospital for the Insane." under the heading "MISCELLANEOUS OBJECTS." of an Act of July 7, 1884, chapter 332 of the laws of the first session of the 48th Congress, is amended by striking out the second sentence (24 U.S.C. 194). 23 Stat. 213.

(m) The matter under the heading "PANAMA CANAL." in the first section of an Act of June 12, 1917, chapter 27 of the laws of the first session of the 65th Congress, is amended by striking out the following (24 U.S.C. 196): 76A Stat. 699.

"Upon the application of the Governor of the Canal Zone, the Secretary of Health, Education, and Welfare may transfer to Saint Elizabeths Hospital, in the District of Columbia, for treatment, any American citizen subject to a hospitalization order issued under section 1637 of title 5 of the Canal Zone Code, whose legal residence in one of the States, territories, the Commonwealth of Puerto Rico or the District of Columbia for the purpose of eligibility for public medical care it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to Saint Elizabeths Hospital, the superintendent of that hospital shall thereupon transfer them to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of Saint Elizabeths Hospital.".

(n) An Act of July 18, 1940, chapter 638 of the laws of the third session of the 76th Congress (24 U.S.C. 196b), is repealed.

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(o) The matter under the subheading "Government Hospital for the Insane:" under the heading "miscellaneous objects." in the first section of an Act of March 3, 1901, chapter 853 of the second session of the 56th Congress, is amended by striking out the second sentence (24 U.S.C. 197). 31 Stat. 1162.

(p) The first sentence in the matter under the subheading "Medical and Hospital Department:" under the heading "medical department." of an Act of May 11, 1908, chapter 163 of the laws of the first session of the 60th Congress, is amended by striking out the second proviso and the colon preceding and inserting in lieu thereof a period (24 U.S.C. 198). 35 Stat. 122.

(q) An Act of June 23, 1874, chapter 465 of the laws of the first session of the 43rd Congress (24 U.S.C. 212, 213, and 214), is repealed.

(r) The first sentence of section 4(a) of Public Law 86-571 (24 U.S.C. 324) is amended by striking out "Saint Elizabeths Hospital, at any other" and inserting in lieu thereof "any".

(s) Section 2104 of the Public Health Service Act (42 U.S.C. 300aa-3) is repealed.

(t)(1) The last sentence of section 206 of an Act of June 9, 1948, chapter 428 of the laws of the second session of the 80th Congress (D.C. Code 22-3508), is amended by striking out "Saint Elizabeths Hospital" and inserting in lieu thereof "an appropriate institution".

(2) Section 207 of that Act (D.C. Code 22-3509) is amended by striking out "the Superintendent of Saint Elizabeths Hospital" and inserting in lieu thereof "an appropriate supervisory official", and by striking out "the Superintendent of the hospital" and inserting in lieu thereof "that official".

(3) Section 208 of that Act (D.C. Code 22-3510) is amended by striking out "Saint Elizabeths Hospital" and inserting in lieu thereof "an institution".

24 USC 202. (u) The first sentence under the subheading "Government Hospital for the Insane." under the heading "INTERIOR DEPARTMENT." of an Act of March 3, 1877, chapter 105 of the laws of the

second session of the 44th Congress, is amended by striking out the semicolon and all that follows before the period (D.C. Code 32-401).

(v) The first sentence under the subheading "GOVERNMENT HOSPITAL FOR THE INSANE." under the heading "MISCELLANEOUS OBJECTS." of an Act of March 3, 1879, chapter 182 of the laws of the third session of the 45th Congress, is amended by striking out the proviso and the colon preceding and inserting in lieu thereof a period (D.C. Code 32-402). 24 USC 203.

(w) The matter under the subheading "HOSPITAL FOR THE INSANE:" under the heading "DISTRICT OF COLUMBIA." of an Act of March 4, 1913, chapter 149 of the laws of the third session of the 62nd Congress, is amended by striking out the second sentence (D.C. Code 32-404).

(x) Sections 4 and 5 of an Act of June 22, 1948, chapter 597 of the laws of the second session of the 80th Congress (D.C. Code 32-415 and 32-416) are repealed.

(y) The matter under the subheading "GOVERNMENT HOSPITAL FOR THE INSANE." under the heading "UNDER THE DEPARTMENT OF THE INTERIOR." in the first section of an Act of March 4, 1911, chapter 285 of the laws of the third session of the 61st Congress, is amended by striking out the second sentence. 36 Stat. 1421. 24 USC 165.

EFFECTIVE DATES

SEC. 11. (a) Except as provided in subsection (b), this Act shall take effect on October 1, 1985. 24 USC 225 note.

(b) Section 10 shall take effect on October 1, 1987.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 6224:

HOUSE REPORTS: No. 98-1024 and Pt. 2 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 130 (1984):
 Oct. 2, considered and passed House.
 Oct. 5, considered and passed Senate, amended.
 Oct. 9, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 45 (1984):
 Nov. 9, Presidential statement.

EDUCATION ACTS

Public Law 98-306
98th Congress

98 STAT. 223

An Act

To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

May 31, 1984
[H.R. 2751]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Foundation on the Arts and the Humanities Act Amendments of 1983.
20 USC 951 note.

SHORT TITLE

Section 1. This Act may be cited as the "National Foundation on the Arts and the Humanities Act Amendments of 1983".

TECHNICAL AMENDMENT

Sec. 2. The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended by striking out the first section thereof and inserting in lieu thereof the following:

"TITLE I—ENDOWMENTS FOR ARTS AND HUMANITIES

National Foundation on the Arts and the Humanities Act of 1965.
20 USC 951 note.

"SHORT TITLE

"**Section** 1. This title may be cited as the 'National Foundation on the Arts and the Humanities Act of 1965'.".

DECLARATION OF PURPOSE

Sec. 3. Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) that museums are vital to the preservation of our cultural heritage and should be supported in their role as curator of our national consciousness;".

ENTITIES WITHIN FOUNDATION

Sec. 4. (a) Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(1) by striking out "and a Federal Council" and inserting in lieu thereof ", a Federal Council", and

(2) by inserting ", and an Institute of Museum Services" before "(hereinafter established)".

(b) Section 4(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(b)) is amended by inserting ", and for institutions which preserve the cultural heritage of the United States after "United States".

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CONTINUITY OF MEMBERSHIP OF NATIONAL COUNCILS

Sec. 5. (a) Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

(b) Section 8(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(c)) is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of his term until his successor takes office.".

MEMBERSHIP OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 6. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Director of the Institute of Museum Services," after "Humanities,".

(b) Section 9(c)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)(4)) is amended by striking out "and the Institute of Museum Services".

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking out "$154,000,000 for fiscal year 1984, and $170,000,000" and inserting in lieu thereof "$128,500,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$152,000,000 for fiscal year 1984, and $167,500,000" and inserting in lieu thereof "$127,000,000 for fiscal year 1984, and such sums as may be necessary",

(2) in paragraph (2)—

(A) in subparagraph (A) by striking out "$20,000,000 for fiscal year 1984, and $22,500,000" and inserting in lieu thereof "$10,000,000 for fiscal year 1984, and such sums as may be necessary",

(B) in subparagraph (B) by striking out "$16,500,000 for fiscal year 1984, and $18,500,000" and inserting in lieu thereof "$11,500,000 for fiscal year 1984, and such sums as may be necessary", and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking out "$36,000,000 for fiscal year 1984, and $40,000,000" and inserting in lieu thereof "$28,000,000 for fiscal year 1984, and such sums as may be necessary", and

(B) in subparagraph (B) by striking out "$40,000,000 for fiscal year 1984, and $44,000,000" and inserting in lieu thereof "$20,000,000 for fiscal year 1984, and such sums as may be necessary". 98 STAT. 225

(b) Section 11(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(d)) is amended by inserting "under this title" after "made".

ESTABLISHMENT OF INSTITUTE OF MUSEUM SERVICES

SEC. 8. Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out ", within the Department of Education" and inserting in lieu thereof "within the National Foundation on the Arts and the Humanities".

NATIONAL MUSEUM SERVICES BOARD

SEC. 9. (a) Section 204(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (iii) by inserting "and" at the end thereof,

(B) in clause (iv) by striking out "; and" and inserting in lieu thereof a period, and

(C) by striking out clause (v), and

(2) in subparagraph (B) by striking out "clause (v)" and inserting in lieu thereof "clause (iv)".

(b) Section 204(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term of office until his successor takes office.".

(c) Section 204(c) of the Museum Services Act (20 U.S.C. 963(c)) is amended by striking out "Eight" and inserting in lieu thereof "Except as provided in subsection (d)(2), eight".

(d) Section 204(d)(2) of the Museum Services Act (20 U.S.C. 963(d)(2)) is amended by striking out "eight" and inserting in lieu thereof "seven".

CONFORMING AMENDMENT

SEC. 10. Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964(a)(2)) is amended by striking out the first sentence.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking out "$40,000,000 for fiscal year 1984, and $45,000,000" and inserting in lieu thereof "$20,150,000 for fiscal year 1984, and such sums as may be necessary".

REPEALERS

SEC. 12. Sections 521, 523, and 524 of subtitle A of the Omnibus Education Reconciliation Act of 1981 are repealed.

20 USC 967 note, 960 note.

NATIONAL MEDAL OF ARTS

SEC. 13. (a) There is hereby established a National Medal of Arts, which shall be a medal of such design as is deemed appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in subsection (b).

20 USC 955b.

98 STAT. 226

(b)(1) The President shall from time to time award the National Medal of Arts, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in the President's judgment are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

President of U.S.

(2) Not more than twelve of such medals may be awarded in any calendar year.

(3) An individual may be awarded the National Medal of Arts only if at the time such award is made such individual—

(A) is a citizen or other national of the United States; or

(B) is an alien lawfully admitted to the United States for permanent residence who (i) has filed an application or petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act and (ii) is not permanently ineligible to become a citizen of the United States.

8 USC 1445.

(4) A group may be awarded the National Medal of Arts only if such group is organized or incorporated in the United States.

(5) The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may deem proper, including attendance by appropriate Members of Congress.

Funds.

(c) Funds made available to the National Endowment for the Arts shall be used to carry out this section.

INSTITUTE OF AMERICAN INDIAN ARTS

25 USC 310.

SEC. 14. (a)(1) To the extent of the availability of funds for such purpose, the Secretary of the Interior shall:

(A) enter into a thirty-year agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the postsecondary fine arts and museum services programs of, the Institute of American Indian Arts administered by the Bureau of Indian Affairs; and

(B) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian Arts at the College of Santa Fe.

Effective date.

(2) The provisions of this subsection shall take effect on October 1, 1984.

Study.

(b)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs, is directed to conduct a study for the purpose of determining the need, if any, for a museum facility to be established for the benefit of the Institute of American Indian Arts, the feasibility of establishing such museum, and the need or desirability, if any, to establish any such museum in close proximity to the facilities currently being used by such Institute at the College of Santa Fe.

Report.

(2) On or before February 1, 1985, the Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress.

98 STAT. 227

(3) Should the study recommend establishment of a museum, and should the College of Santa Fe be selected as the best site, any agreement entered into by the Secretary of the Interior for construction of such museum shall contain assurances, satisfactory to the Secretary, that appropriate lands at the College of Santa Fe will be available at no cost to the Federal Government for the establishment of a museum facility.

Approved May 31, 1984.

LEGISLATIVE HISTORY—H.R. 2751:

HOUSE REPORTS: No. 98-163 and Pt. 2 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Feb. 21, considered and passed House.
Apr. 5, considered and passed Senate, amended.
May 17, House concurred in Senate amendment.

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98 STAT. 233

Public Law 98-312
98th Congress

An Act

June 12, 1984
[H.R. 5287]

To amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multi-year grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

97 Stat. 711.
20 USC 1069c.

SECTION 1. Section 347(f) of the Higher Education Act of 1965 is amended to read as follows:

20 USC 1060.

"(f)(1) For each fiscal year, the Secretary shall reserve from the amount appropriated for part B such sums as may be necessary to fund continuation awards for multiple year grants awarded to institutions under section 331 prior to October 1, 1983.

20 USC 1064.

"(2) For each fiscal year, the Secretary may reserve from the amount appropriated for part B, not more than an amount equal to the difference between the amount awarded under paragraph (1) and the amount equal to the aggregate amount institutions receiving grants under part B would contribute under section 324 to the cost of their grants in that fiscal year assuming their grant amounts are the same as those received in the prior fiscal year. The Secretary may use this amount to award grants to eligible institutions under section 333.

20 USC 1063.

97 Stat. 708.
20 USC 1065a.

"(3) In reserving and awarding funds under this subsection, the Secretary shall assure in each fiscal year that the funds that would have been reserved under part B for institutions described in subsection (c) or (e) shall be reserved under section 331 or 333 for those institutions."

20 USC 1060.
20 USC 1064, 1065a.

SEC. 2. (a) Section 510 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) is amended by striking out beginning with the semicolon in clause (1) all matter through the end of the sentence and inserting in lieu thereof: "for each such year; and

20 USC 3488 note.

"(2) $12,989,000 shall be available for each of the fiscal years 1982 and 1983, and $14,961,000 shall be available for fiscal year 1984 for the Office of Inspector General.".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1983.

Effective date.
20 USC 3488 note.

SEC. 3. Section 5 of the joint resolution entitled "Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program", approved October 19, 1972, is amended to read as follows:

Disadvantaged persons.
86 Stat. 908.
95 Stat. 449.

"SEC. 5. There are authorized to be appropriated $1,500,000 for the fiscal year 1984, $1,500,000 for the fiscal year 1985, $2,000,000 for the fiscal year 1986, $2,000,000 for the fiscal year 1987, $2,500,000 for the fiscal year 1988, and $2,500,000 for the fiscal year 1989 to carry out the provisions of this joint resolution.".

Appropriation authorization.

SEC. 4. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out part E of title IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed $1,500,000 in fiscal year 1985, $2,000,000 in fiscal year 1986, $2,000,000 in fiscal year 1987, $2,500,000 in fiscal year 1988, and $3,000,000 in fiscal year 1989.

20 USC 1134p note.
20 USC 1134n.
98 STAT. 233

(b)(1) Section 583(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "and" at the end of clause (2), by inserting "and" at the end of clause (3), and by inserting after such clause the following new clause:

20 USC 3851.

"(4) the law-related education program as formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

20 USC 3001.

(2) Such section is further amended by inserting "(or $1,000,000 in the case of the program referred to in paragraph (4))" after "fiscal year 1981".

SEC. 5. Section 555(b) of the Education Consolidation and Improvement Act of 1981 is amended by inserting before the period at the end thereof a comma and the following: "except that such definition shall be modified to include children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity".

Children.
97 Stat. 1412.
20 USC 3804.

SEC. 6. (a)(1) The Secretary is authorized to make grants to the Urban Education Foundation of Pennsylvania, Inc., located in Philadelphia, Pennsylvania, for the purpose of reconstruction and renovation (and related costs) of the combined graduate and undergraduate facilities at the urban research park established as the Urban Education Foundation of Pennsylvania, Inc.

Urban Education Foundation of Pennsylvania, Inc.

Appropriation authorization.

(2) There is authorized to be appropriated $3,400,000 to carry out the provisions of paragraph (1) of this subsection.

(b)(1) Notwithstanding any other provision of law, from any amounts recovered by the Department of Education from prior fiscal year obligations from the Higher Education Appropriation Account for the Department of Education, the Secretary may use not to exceed $1,000,000 to carry out the provisions of subsection (a) of this section.

(2) The amount authorized to be appropriated by paragraph (2) of subsection (a) shall be reduced by any amounts expended under paragraph (1) of this subsection.

Effective date. 20 USC 1069c note.

SEC. 7. The amendment made in section 1 shall take effect on October 1, 1984.

Approved June 12, 1984.

LEGISLATIVE HISTORY—H.R. 5287:

CONGRESSIONAL RECORD, Vol. 130 (1984):
May 1, considered and passed House.
May 16, considered and passed Senate, amended.
May 23, House concurred in Senate amendments.

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98 STAT. 1267

Public Law 98-377
98th Congress

An Act

Aug. 11, 1984
[H.R. 1310]

To provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes.

Education for Economic Security Act. 20 USC 3901 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for Economic Security Act".

STATEMENT OF PURPOSE

20 USC 3901.

SEC. 2. It is the purpose of this Act to improve the quality of mathematics and science teaching and instruction in the United States.

DEFINITIONS

20 USC 3902.

SEC. 3. For the purpose of this Act—

(1) The term "area vocational education school" has the same meaning given that term under section 195(2) of the Vocational Education Act of 1965. 20 USC 2461.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965. 20 USC 2854.

(4) The term "Governor" means the chief executive of a State.

(5) The term "Foundation" means the National Science Foundation.

(6) The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965. 20 USC 1141.

(7) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965. 20 USC 2854.

(8) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Ricc, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(11) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

(12) The term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

TITLE I—NATIONAL SCIENCE FOUNDATION MATHEMATICS AND SCIENCE PROGRAMS

Part A—Teacher Institutes

GRANTS FOR TEACHER INSTITUTES AUTHORIZED

SEC. 101. The Foundation is authorized, in accordance with the provisions of this part, to make grants to State and local educational agencies and institutions of higher education, applying jointly, for the establishment and operation of teacher institutes for the enhancement of the subject matter skills of public and private elementary and secondary school teachers of mathematics and physical and life sciences.

20 USC 3911.

APPLICATIONS

SEC. 102. (a) Each local educational agency and institution of higher education, and each State educational agency and institution of higher education desiring to receive a grant under this part shall submit a joint application at such time, in such manner, and containing or accompanied by such information as the Director may require. One or more local educational agencies may apply jointly with one or more institutions of higher education under the provisions of this section. A State educational agency may apply jointly with one or more institutions of higher education.

20 USC 3912.

(b) Each such application shall—

(1) describe the establishment and operation of a teacher institute for elementary and secondary school teachers of mathematics and physical and life sciences, including—

(A) the designation of the institute as a full-time summer or part-time school year, or both;

(B) a description of the courses of study to be offered at the institute;

(C) an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute and describe the selection procedures;

(D) the nature and location of existing facilities to be used in the operation of the institute;

(E) the teaching and administrative staff for the institute;

(F) the academic credits, if any, to be awarded for the completion of the courses of study to be offered at the institute; and

(G) a schedule of stipends to be paid teacher participants in the institute, including (i) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (ii) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(2) provide assurances that the design and operation of the institute will involve the participation of both the subject matter departments or divisions of each institution of higher

98 STAT. 1269 education making application as well as the teacher education department or division, if any, of each such institution;

(3) provide for prior and continuing consultation with the State educational agency in the formulation and operation of the institute; and

(4) provide such additional assurances as the Director deems essential to assure compliance with the requirements of this part.

DISTRIBUTION OF ASSISTANCE

20 USC 3913. Sec. 113. (a) In approving applications under this part, the Director shall assure that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Director shall award not less than one institute in each State, except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part.

(b) No grant to a single applicant may exceed $200,000 in any fiscal year.

COOPERATION WITH BUSINESS CONCERNS

20 USC 3914. Sec. 114. Institutes assisted under this part may, to the extent possible, involve the cooperation of advanced technology business concerns and other business concerns which are able to supply assistance in the teaching of mathematics and science.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

20 USC 3915. Sec. 115. In providing financial assistance under this part the Foundation shall make every effort to ensure that consideration is given to applications which contain provisions designed to meet the needs of underrepresented and underserved populations.

Part B—Mathematics and Science Education Development Programs

PROGRAM AUTHORIZED

20 USC 3921. Sec. 121. The Foundation is authorized, in accordance with the provisions of this part, to enter into agreements with institutions of higher education or local educational agencies for—

(1) developing and disseminating programs and materials for training, retraining, and inservice training for elementary and secondary school teachers in the fields of mathematics, science, including physical and life sciences, computer learning; and

(2) the research, development, and dissemination of instructional programs and materials for courses of study in elementary and secondary schools in the fields of mathematics, science, including physical and life sciences, and computer learning.

APPLICATIONS

Grants.
20 USC 3922. Sec. 122. (a) No grant may be made under this part unless an eligible applicant, at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each application shall contain assurances—

98 STAT. 1270 (1) that (A) in the case of an institution of higher education, the institution will enter into a cooperative agreement with one or more local educational agencies, (B) in the case of a State or local educational agency, the agency will enter into a cooperative agreement with one or more institutions of higher education in the case of a profession of a society or association decribed in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education, for the purpose of furnishing the activities authorized by this part;

(2) that the planning and implementation of the cooperative agreement will involve the participation of both the subject matter departments or divisions of each institution of higher education as well as the teacher education department or division, if any, of each such institution; and

(3) that the applicant has consulted with, as appropriate, the State agency for higher education or the State educational agency in the development of the program for which assistance is sought, and will assure appropriate participation of such agencies in the program.

(b) For the purpose of this part an eligible applicant means—

(1) an institution of higher education,

(2) a State or local educational agency, and

(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 123. In providing financial assistance under this part, the Foundation shall make every effort to ensure that consideration is given to applications which provide for the development and improvement of instructional programs and materials designed to meet the needs of underrepresented and underserved populations

20 USC 3923.

PART C—CONGRESSIONAL MERIT SCHOLARSHIPS

SHORT TITLE

SEC. 131. This part may be cited as the "Congressional Meri Scholarships in Mathematics, Science, and Engineering Education"

Congressional Merit Scholarships in Mathematics, Science, and Engineering Education.

20 USC 3931 note.

MERIT SCHOLARSHIPS ESTABLISHED

SEC. 132. (a) The Foundation is authorized, in accordance with the provisions of this part, to award scholarships to individuals who are enrolled in institutions of higher education and who demonstrate outstanding potential for, and who plan to pursue, a career in teaching in the fields of mathematics, science, and engineering

20 USC 3931.

(b) Scholarships under this part shall be awarded for such period as the Foundation may prescribe, but for not to exceed four academic years.

(c)(1) A student awarded a scholarship under this part may attend any institution of higher education offering courses of study designed to prepare them for teaching careers. Such awards shall b available for periods of study commencing not sooner than the third undergraduate year.

(2) In order to be eligible for a scholarship under this part, each individual shall—

(A) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach at the elementary school level; or

(B) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach mathematics or science at the secondary school level; or

(C) concentrate, at the undergraduate level, in engineering and indicate a serious intent to teach at the postsecondary level, in an engineering discipline in which the Foundation has determined a shortage of qualified teachers.

(d) Not to exceed 25 per centum of the scholarships available under this part shall be available for students meeting the criteria of subsection (c)(2)(C).

SELECTION OF MERIT SCHOLARS

SEC. 133. (a) The Foundation shall establish criteria for the selection of merit scholars under this part.

20 USC 3932.

(b) The Foundation shall adopt selection procedures which are designed to assure that—

(1) the number of individuals to be selected will not exceed the product of the number of Members of Congress for each State, multiplied by two, and that the individuals will be selected from among the residents of each State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico, not to exceed ten individuals will be selected); and

(2) each recipient of a merit scholarship will enter into an agreement with the Foundation under which the recipient will agree—

(A) to comply with provisions of paragraph (2) of section 142(c) relating to concentration of study; and

Ante, p. 1270.

(B) to pursue a career in teaching, as prescribed in section 142(c) for not less than two years for each academic year in which a merit scholarship award is received.

STIPENDS AND SCHOLARSHIP CONDITIONS

20 USC 3933.

SEC. 134. (a) Each student awarded a merit scholarship under this part shall receive an award of $5,000 for each academic year of study.

(b) Each student awarded a merit scholarship under the provisions of this part shall continue to receive payments provided under this part for such scholarship only during such period as the Foundation determines that the student is maintaining satisfactory progress in, and devoting full time to, the course of study for which the scholarship is awarded.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary from any student awarded a merit scholarship under the provisions of this part. Such reports shall be accompanied by a certificate from any appropriate official of the institution of higher education, approved by the Foundation, stating that such student is making satisfactory progress in, and is devoting essentially full time to, the study described in subsection (b).

98 STAT. 1272

PART D—DISCRETIONARY FUNDS OF THE DIRECTOR

AUTHORIZATION

Grants.
Contracts with U.S.
20 USC 3941.

SEC. 141. (a) From funds available for this part, the Director is authorized to make grants to and to enter into contracts with any public agency or any private organization to carry out any activity authorized by this title. In addition, from such funds, the Director is authorized, directly or by way of grant or contract, to conduct—

(1) a faculty exchange program between institutions of higher education (particularly institutions having established and nationally recognized research facilities) and eligible institutions; and

(2) programs of national significance promoting the improvement of instruction in the fields of mathematics, science, and engineering.

In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.

(b) For the purpose of this section the term "eligible institution" means an institution of higher education in any State which—

(1)(A) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantaged; or

(B) is located in a community that is not within commuting distance of a major institution of higher education; and

(2) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.

PART E—GENERAL PROVISIONS

ADMINISTRATIVE PROVISIONS

SEC. 161. (a) In order to carry out the provisions of this title, the Foundation is authorized to— 20 USC 3951

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

Contracts with U.S.
Grants.

(7) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title. Report.

PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

SEC. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers. 20 USC 3952.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 163. The provisions of section 432 of the General Education Provisions Act, relating to prohibition against Federal control of education, shall apply to each program authorized by this title. 20 USC 3953. 20 USC 1232a.

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. (a) There are authorized to be appropriated $20,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of part A of this title. 20 USC 3954.

(b) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 to carry out the provisions of part B of this title.

(c) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and $15,000,000 for the fiscal year 1985 to carry out the provisions of part C of this title.

(d) There are authorized to be appropriated $3,000,000 for the fiscal year 1985 to carry out the provisions of part D of this title.

(e) There are authorized to be appropriated to the Foundation $20,000,000 for the fiscal year 1984 and $21,000,000 for the fiscal year 1985 to carry out the graduate fellowship program under the National Science Foundation Act of 1950.

42 USC 1861 note.

TITLE II—EDUCATION FOR ECONOMIC SECURITY

STATEMENT OF PURPOSE

20 USC 3961.

SEC. 201. It is the purpose of this title to make financial assistance available to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages, and to increase the access of all students to such instruction, and thereby contribute to strengthening the economic security of the United States.

98 STAT. 1274

DEFINITION

20 USC 3962.

SEC. 202. As used in this title, the term "junior or community college" means an institution of higher education—

(1) that admits as regular students individuals who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

(B) offers a two-year program designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

PROGRAM AUTHORIZED

Grants.
20 USC 3963.

SEC. 203. (a) The Secretary is authorized to make grants to States and to make discretionary grants, in accordance with the provisions of this title, for strengthening the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages.

Appropriations authorization.

(b) There are authorized to be appropriated $350,000,000 for the fiscal year 1984, and $400,000,000 for the fiscal year 1985 to carry out the provisions of this title.

ALLOTMENT TO STATES

20 USC 3964.

SEC. 204. (a)(1) From 90 per centum of the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such 90 per centum as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all States, except that no State shall receive less than one-half of 1 per centum of the amount available under this subsection in any fiscal year.

(2) The Secretary shall reserve the remaining 10 per centum to carry out section 212, relating to discretionary grants of national significance.

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern

Mariana Islands, or the Trust Territory of the Pacific Islands.

(4) The number of children aged five to seventeen, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

Appropriations authorization.

(c) There are authorized to be appropriated for each fiscal year for the purpose of this subsection amounts equal to not more than 1 per centum of the amount appropriated for such year under this title. The Secretary shall allot the amount appropriated pursuant to this subsection among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year the Secretary shall allot from not less than one-half of such amount, to such agency as the Secretary deems appropriate, for programs authorized by this title for children in elementary and secondary schools operated for Indian children by the Department of the Interior. The terms upon which payments are made under the previous sentence shall be determined by such criteria as the Secretary determines will best carry out the purpose of this title.

Indians.

IN-STATE APPORTIONMENT

20 USC 3965.

SEC. 205. (a) For each of the fiscal years 1984 and 1985, 70 per centum of each State's allotment under section 204 of this title shall be used for elementary and secondary education programs in accordance with section 206.

(b) For each of the fiscal years 1984 and 1985, 30 per centum of each State's allotment under section 204 of this title shall be used for higher education programs in accordance with section 207.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

20 USC 3966.

SEC. 206. (a) The amount apportioned under section 205(a) from each State's allotment under this title shall be used by the State educational agency to strengthen elementary and secondary education programs in accordance with the provisions of this section.

(b)(1) Not less than 70 per centum of the amount available under this section shall be distributed to local educational agencies within the State. Each local educational agency shall use funds distributed under this paragraph for—

(A) the expansion and improvement of inservice training and retraining of teachers and other appropriate school personnel in the fields of mathematics and science, including vocational education teachers who use mathematics and science in the courses of study the teachers teach; or

(B) if the local educational agency determines that the agency has met its need for such training and retraining and subject to the provisions of section 210(c), computer learning and instruction, foreign language instruction, and instructional materials and equipment related to mathematics and science instruction.

Such training and instruction may be carried out through agreements with public agencies, private industry, institutions of higher

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education, and nonprofit private organizations, including museums, libraries, educational television stations, professional science, mathematics and engineering associations, and other appropriate institutions. A local educational agency may carry out the activities authorized by this paragraph with one or more other local educational agencies within the State, or with the State educational agency, or both. Each local educational agency shall assure that programs of inservice training and retraining will take into account the need for greater access to and participation in mathematics, science, and computer learning programs and careers of students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the handicapped, and migrants.

Minorities. Handicapped persons. Migrants.

(2)(A) The State educational agency shall distribute 50 per centum of the funds available under this subsection to local educational agencies within the State according to the relative number of children enrolled in public and nonpublic schools within the school districts of such agencies.

(B) The State educational agency shall distribute 50 per centum of the funds available under this subsection based on the relative number of children aged five to seventeen who—

Disadvantaged persons. 20 USC 2711.

(i) are from families below the poverty level as determined under section 111(c)(2)(A) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

in the public schools of the local educational agencies within the State.

(3) The State educational agency shall renew payments to local educational agencies under this subsection based upon the criteria set forth in paragraph (2) of this subsection and a determination by the State educational agency that the local educational agency is implementing the program assisted under this title so that a substantial number of teachers in the public and private schools in the school district of such agency are served and several grade levels of instruction in such schools are involved in the program.

(c)(1) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 30 per centum of the funds available to the local educational agency under subsection (b) may be used for the purchase of computer and computer-related instructional equipment.

(2) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 15 per centum of the funds available to the local educational agency under subsection (b) may be used to strengthen instruction in foreign languages.

(d) Not less than 20 per centum of the amount available under this section shall be used by the State educational agency for demonstration and exemplary programs for—

(1) teacher training and retraining and inservice upgrading of teacher skills in the fields of mathematics and science, foreign language instruction, and computer learning,

(2) instructional equipment and materials in such fields and necessary technical assistance,

(3) special projects for historically underrepresented and underserved populations and for gifted and talented students, and

(4) the dissemination of information to all local educational agencies within the State relating to the exemplary programs in the fields of mathematics, science, foreign languages, and computer learning.

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Minorities. Handicapped persons. Migrants.

In providing financial assistance for such demonstration and exemplary programs, the State educational agency shall reserve not less than 20 per centum of the amount available under this subsection for special projects in mathematics and science, foreign languages, and computer education to historically underrepresented and underserved populations of students, including females, minorities, handicapped individuals, individuals with limited-English proficiency, and migrant students, and to programs for gifted and talented students. The programs for gifted and talented students may include assistance to magnet schools for such students.

(e) Not less than 5 per centum of the amount available under this section may be used by the State educational agency to provide technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums, libraries, and educational television stations, in the conduct of programs specified under subsection (b).

(f) Not to exceed 5 per centum of the amount available under this section may be used by the State educational agency for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title.

HIGHER EDUCATION PROGRAMS

SEC. 207. (a) The amount apportioned under section 205(b) from each State's allotment under this title shall be used by the State agency for higher education for higher education programs in accordance with the provisions of this section. 20 USC 3967.

(b)(1)(A) Not less than 75 per centum of the amount available for this section shall be used by the State agency for higher education for grants to institutions of higher education in accordance with the provisions of this subsection.

(B) The State agency for higher education shall make funds available on a competitive basis to institutions of higher education in the State which apply for payments under this section. The State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education.

(2) The amount available under this subsection shall be used for—

(A) establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

(B) retraining of secondary school teachers who specialize in disciplines other than the teaching of mathematics and science to specialize in the teaching of mathematics, science, or computer learning, including provision of stipends for participation in institutes authorized under title I; and

(C) inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics and science, and computer learning, including stipends for participation in institutes authorized under title I.

Each institution of higher education receiving a grant under this subsection shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics, science, and computer learning and careers of students from historically underrepresented and underserved groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and the gifted and talented. Minorities. Handicapped persons. Migrants.

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(3) No institution of higher education may receive assistance under paragraphs (2) (B) and (C) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide inservice training and retraining for the elementary and secondary school teachers in the public and private schools of the school district of each such agency.

(c)(1) Not less than 20 per centum of the amount available under this section shall be used by the State agency for higher education for cooperative programs among institutions of higher education, local educational agencies, State educational agencies, private industry, and private nonprofit organizations, including museums, libraries, educational television stations, and professional mathematics, science, and engineering societies and associations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, and critical foreign languages. In carrying out this subsection, the State agency for higher education shall give special consideration to programs involving consortial arrangements which include local educational agencies.

Post, p. 1281.

(2) For the purpose of paragraph (1) of this subsection, critical foreign languages include foreign languages designated by the Secretary pursuant to section 211(d).

(d) Not to exceed 5 per centum of the amount available under this section may be used by the State agency for higher education for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title incurred by the State higher education agency.

STATE ASSESSMENT OF MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

Grants.
20 USC 3968.

Public availability.

SEC. 208. (a) Each State which desires to receive grants under this title shall prepare not later than nine months following the date for which funds under this title become available, a preliminary assessment of the status of mathematics, science, foreign language, and computer learning within the State. Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available. Each first assessment shall be prepared after an examination of the local assessments submitted under section 210. Each such assessment shall include a description and a five-year projection of—

(1) the availability of qualified mathematics, science, foreign language, and computer learning teachers at the secondary and postsecondary education levels within the State;

(2) the qualifications of teachers in mathematics, science foreign languages, and computer learning at the secondary and postsecondary education levels, and the qualifications of teachers at the elementary level to teach mathematics, science, foreign languages, and computer learning;

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(3) the State standards for teacher certification, including any special exceptions currently made, for teachers of mathematics, science, foreign languages, and computer learning;

(4) the availability of adequate curricula, instructional materials and equipment, in mathematics, science, foreign languages, and computer learning; and

(5) the degree of access to instruction in mathematics, science, foreign languages, and computer learning of historically underrepresented and underserved individuals and of the gifted and talented.

(b) Each such assessment shall also describe the programs, initiatives, and resources committed or projected to be undertaken within the State to—

(1) improve teacher recruitment and retention;

(2) improve teacher qualifications and skills in the fields of mathematics, science, foreign languages, and computer and computer learning;

(3) improve curricula in mathematics, science, foreign languages, and computer learning including instructional materials and equipment; and

(4) improve access for historically underrepresented and underserved populations, and for the gifted and talented, to instruction in mathematics, science, foreign languages, and computer learning.

(c)(1) Each State assessment shall be developed in consultation with the Governor, the State legislature, State Board of Education, local educational agencies within the State, and representatives of—

(A) vocational secondary schools and area vocational education schools,

(B) public and private institutions of higher education,

(C) teacher organizations,

(D) private industry,

(E) other public organizations, including libraries, museums, and educational television stations, and professional scientific and mathematics associations, and

(F) private elementary and secondary schools,

within the State.

(2) Each State assessment shall be submitted jointly by the State educational agency and the State agency for higher education.

STATE APPLICATION

Grants.
20 USC 3969.

SEC. 209. (a) Each State which desires to receive grants under this title shall file an application with the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Each such application shall—

(1) designate the State educational agency for the purpose of programs described in section 206, and the State agency for higher education for programs described in section 207 as the agency or agencies responsible for the administration and supervision of the programs described in sections 207 and 208, as the case may be;

(2) describe the programs for which assistance is sought under the application;

(3) provide assurances that payments will be distributed by the State in accordance with the provisions of sections 207 and 208, as the case may be;

(4) provide procedures—

(A) for submitting applications by local educational agencies, institutions of higher education, junior or community colleges, and other organizations for programs described in section 206 for distribution of payments under this title within the State, and

(B) for approval of applications by the appropriate State agency, including appropriate procedures to assure that the appropriate State agency will not disapprove an application without notice and opportunity for a hearing;

(5) provide assurances that—

(A) the State will prepare and submit the assessment required under section 208;

(B) in the second year for which funds are available under this title, the State will use funds for purposes consistent with the findings of the State assessment under section 208;

(C) for programs described in section 206, the provisions of sections 210 and 211 will be carried out; and

(D) to the extent feasible, evaluations of the program assisted under this title will be performed;

(6) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such funds, be available for the purposes described in sections 207 and 208, and in no case supplant such funds; and

(7) provide such fiscal control and accounting procedures as may be necessary (A) to ensure proper accounting of Federal funds paid to the applicant under this title, and (B) to ensure the verification of the programs assisted under the application.

(c) The Secretary shall expeditiously approve any State plan that meets the requirements of this section.

LOCAL EDUCATIONAL AGENCY ASSESSMENT

20 USC 3970. SEC. 210. (a) Each local educational agency which desires to receive a payment from the State educational agency pursuant to section 206 shall provide to the State educational agency an assessment of the local educational agency's need for assistance in—

(1) teacher training, retraining, and inservice training and the training of appropriate school personnel in the areas of mathematics, science, foreign languages, and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language, and computer learning, including the qualifications of teachers at the elementary level to teach in such areas;

(2) improving instructional materials and equipment related to mathematics and science education; and

(3) improving the access to instruction in mathemactics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.

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(b) Such assessment shall also describe the types of services to be provided pursuant to the program assisted under section 206, a description of how the services assisted will meet the program needs of the local educational agency, and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208.

(c) If a local educational agency determines, pursuant to section 206(b)(1), that the agency has met its teacher retraining and inservice training needs in mathematics and science and desires to expend its funds on other activities prescribed in section 206(b)(1)(B), the local educational agency may request the State educational agency to waive such training requirements. If the State educational agency determines that the local educational agency has met such teacher training needs, the State educational agency shall grant the waiver.

PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS

20 USC 3971. SEC. 211. (a) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this title.

(b) To the extent consistent with the number of children in the State or in the school district of a local educational agency who are enrolled in private elementary and secondary schools, such State, State educational agency, or State agency for higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such inservice and teacher training and retraining as will assure equitable participation of such teachers in the purposes and benefits of this title.

(c) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children or teachers from private schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with sections 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

20 USC 3806.

SECRETARY'S DISCRETIONARY FUND FOR PROGRAMS OF NATIONAL SIGNIFICANCE

Grants.
20 USC 3972.

SEC. 212. (a) From 10 per centum of amounts appropriated under section 203(b), the Secretary shall make grants in accordance with this section.

Grants.

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(b)(1) From 75 per centum of the amount available under this section in each fiscal year, the Secretary shall make grants to State and local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations for programs of national significance in mathematics and science instruction, computer learning, and foreign language instruction in critical languages. The Secretary shall give special consideration to provide assistance to local educational agencies, or consortia thereof, to establish or improve magnet schools for gifted and talented students. In awarding of grants the Secretary shall give special consideration to local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations providing special services to historically underserved and underrepresented populations in the fields of mathematics and science.

Grants.

Research and development.

(2) The Secretary, from the amount available under paragraph (1) for each fiscal year, shall reserve not to exceed $3,000,000 in each such year for the Director of the National Institute of Education for the purpose of conducting evaluation and research activities. Such evaluation and research activities shall include—

(A) a policy analysis of alternative methods to improve instruction in mathematics and science;

(B) an annual evaluation of the programs assisted under this title; and

(C) research on improving teacher training, retraining, inservice training, and retention, as well as the development of curriculum and materials in the fields of mathematics and science.

One-half of the funds reserved under this paragraph shall be used for the research activities described in clause (C).

(c) From 25 per centum of the amount available in each fiscal year, the Secretary shall make grants to institutions of higher education for the improvement and expansion of instruction in critical foreign languages.

(d) In determining which languages are critical to national security, economic, and scientific needs, the Secretary shall consult with the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the National Science Foundation. The Secretary shall publish in the Federal Register a list of critical foreign languages.

Federal Register, publication.

PAYMENTS

20 USC 3973.

SEC. 213. (a) From the amounts appropriated under section 203(b), the Secretary shall pay, in accordance with the provisions of this title, the costs of the programs and activities described in the application approved under section 209, and the costs of programs of national significance under section 211.

(b) Payments under this title shall be made as soon after approval of the application as practicable.

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Partnerships in Education for Mathematics, Science, and Engineering Act.

TITLE III—NATIONAL SCIENCE FOUNDATION PROGRAM FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

SHORT TITLE

20 USC 3981 note.

SEC. 301. This title may be cited as the "Partnerships in Education for Mathematics, Science, and Engineering Act".

STATEMENT OF PURPOSE

20 USC 3981.

SEC. 302. It is the purpose of this title to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics, science, and engineering in the State;

(2) furnish additional resources and support for research, student scholarships, and faculty exchange programs in the fields of mathematics, science, and engineering; and

Business and industry.

(3) encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools in the community.

DEFINITIONS

20 USC 3982.

SEC. 303. As used in this title—

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305(b) a local educational agency and the other participants described in paragraph (3) of section 305(b);

(2) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

20 USC 1141.

(5) the term "States" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(6) the term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

PROGRAM AUTHORIZED

Grants.
20 USC 3983.

SEC. 304. (a) The Foundation is authorized, in accordance with the provisions of this title, to make grants to applicants to pay the Federal share of the costs of the activities described in section 305.

Appropriations authorization.

(b) There are authorized to be appropriated $30,000,000 for the fiscal year 1984, and $60,000,000 for the fiscal year 1985, to carry out the provisions of this title.

AUTHORIZED ACTIVITIES

20 USC 3984.

SEC. 305. (a)(1) An applicant may use payments received under this title in any fiscal year for higher education programs and activities described in this subsection.

(2) Grants under this subsection may be used for partnership in education programs—

(A) for the improvement of instruction in mathematics, science, computer science, and engineering education at the postsecondary level;

(B) for awarding scholarships to students at institutions of higher education in the fields of mathematics, science, computer science, and engineering;

Business and industry.

(C) for the operation of faculty exchange programs by the institutions of higher education and business concerns within the State;

(D) for research in the fields of mathematics, science, computer science, and engineering;

(E) for the acquisition, rehabilitation, and renovation of equipment and instrumentation for use in instruction in the fields of mathematics, science, computer science, and engineering; and

(F) to promote public understanding of science, mathematics, and computer science.

(3) Education partnerships under this subsection may include institutions of higher education, business concerns, nonprofit private organizations, local educational agencies, professional mathematic and scientific associations, museums, libraries, educational television stations, and if the State so desires, appropriate State agencies.

(b)(1) An applicant may use payments received under this title in any fiscal year for programs and activities described in this subsection.

Business and industry.

(2) A local educational agency may carry out an elementary and secondary school partnership in education program under which—

(A) elementary and secondary school teachers in the schools of local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

(B) personnel of local business concerns and business concerns with establishments located in the community serve as consultants, lecturers, teaching assistants, or teachers of mathematics, science, or computer science in the elementary and secondary schools within the State;

(C) training and retraining is furnished to elementary and secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns;

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(D) secondary school students observe, participate, and work in local business concerns and business concerns with establishments located in the community; and

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

Business and industry.

(3) Partnerships under this subsection may include local educational agencies, business concerns, nonprofit private organizations, institutions of higher education, professional mathematic and scientific associations, museums, libraries, educational television stations, and, if the State so desires, appropriate State agencies.

APPLICATION

Grants.
20 USC 3985

SEC. 306. (a) Any applicant which desires to receive a grant under this title shall submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require. Each such application shall—

(1) describe the activities for which assistance under this title is sought;

(2) provide assurances that not more than 5 per centum of the amount received by the applicant in any fiscal year may be expended on administrative expenses;

(3) with respect to each program for which assistance is sought, provide assurances that—

(A) 30 per centum of the funds for each such project will be furnished by business concerns within the community;

(B) 20 per centum of the funds will be supplied by—

(i) the State,

(ii) the institution of higher education or the local educational agency, as the case may be, participating in the program; and

(iii) the other parties participating in the program;

(C) no stipend will be paid directly to employees of a profitmaking business concern; and

(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

(4) provide assurances that whenever the program for which assistance is sought includes scholarships, the scholarships be awarded to undergraduate students at institutions of higher education within the State who wish to pursue a course of study in mathematics or science, engineering or computer science, and that each student awarded a scholarship under this title will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 307(a) that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Foundation determines essential to ensure compliance with the requirements of this title.

(b) A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

SUBMISSION OF APPLICATIONS

Sec. 307. Each applicant within a State which desires to receive a grant under this title shall submit the application prepared in accordance with section 306 to the State agency on higher education or the State educational agency, as the case may be, for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

Grants.
20 USC 3986.

APPROVAL OF APPLICATIONS

Sec. 308. (a)(1) The Foundation shall establish criteria for approval of applications under this title.

20 USC 3987.

(2) No application may be approved by the Foundation unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

(b) The Foundation shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

PAYMENTS; FEDERAL SHARE; LIMITATION

Sec. 309. (a)(1) The Foundation shall pay, to each applicant having an application approved under section 308, the Federal share of the cost of the program described in the application.

20 USC 3988.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Not more than 15 per centum of the funds appropriated under this title in any fiscal year may be paid to applicants in any single State.

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TITLE IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

PRESIDENTIAL AWARDS

Sec. 401. (a) The President is authorized to make Presidential Awards for Teaching Excellence in Mathematics and Science to elementary and secondary school teachers of mathematics or science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

President of U.S.
20 USC 4001.

(b) Each year the President is authorized to make one hundred awards under subsection (a) of this section. In selecting elementary and secondary school teachers for the award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADMINISTRATIVE PROVISIONS

Sec. 402. The President shall carry out the provisions of this title, including the establishment of the selection procedures, after consultation with the Secretary of Education, the Director of the Na-

President of U.S.
20 USC 4002.

tional Science Foundation, and other appropriate officials of Federal agencies.

AUTHORIZATION OF APPROPRIATIONS

20 USC 4003.

SEC. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

Asbestos School Hazard Abatement Act of 1984. 20 USC 4011 note.

SEC. 501. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984".

FINDINGS AND PURPOSES

Congress. 20 USC 4011.

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

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(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the

health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

Establishment.
20 USC 4012.

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

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(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;

(3) the development within forty-five days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

20 USC 4013.

SEC. 504. (a) Not later than three months after the date of enactment of this title, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken.

(b)(1) Not later than six months after the date of enactment of this title, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

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(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

Report.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

Asbestos Hazards Abatement Assistance Program.
20 USC 4014.

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 504, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of section 504(b)(4).

Study.

(3) Within sixty days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4); and

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

Loans. Grants.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

Grants.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

Loans.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

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(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 507 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Regulations.
20 USC 4015.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within ninety days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.

98 STAT. 1293

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the

likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

Loans. Grants. 20 USC 4016.

SEC. 507. During each of the ten calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

Suits. 20 USC 4017.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

98 STAT. 1294

Discrimination, prohibition. 20 USC 4018.

SEC. 509. No State or local educational agency receiving assistance under this title may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

Prohibitions. 20 USC 4019.

SEC. 510. Except as otherwise provided in section 508, nothing in this title shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

20 USC 4020.

SEC. 511. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

20 USC 2854

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

98 STAT. 1295

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

Appropriations authorization. 20 USC 4021.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this title or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this

title, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

(D) the development of a comprehensive testing and technical assistance program.

TITLE VI—EXCELLENCE IN EDUCATION PROGRAM

Excellence in Education Act.

SHORT TITLE

SEC. 601. This title may be cited as the "Excellence in Education Act".

20 USC 4031 note.

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

20 USC 4031.

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

98 STAT. 1296

DEFINITIONS

SEC. 603. For the purpose of this title—

20 USC 4032.

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 604. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

20 USC 4033.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

Appropriations authorization.

(2) From the amount appropriated in each fiscal year, the Secre-

tary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 607.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 608.

SELECTION OF SCHOOLS FOR AWARDS

20 USC 4034.

SEC. 605. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

98 STAT. 1297

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in para-

graph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 606. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000. 20 USC 4035.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title. Prohibition.

SPECIAL SCHOOL AWARDS

SEC. 607. (a) From the amount reserved under section 604(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 605 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought. 20 USC 4036.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67⅔ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

20 USC 4037.

SEC. 608. (a) From the amount set aside under section 604(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

98 STAT. 1299

Independent Monitoring Panels.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 604(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

TITLE VII—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

20 USC 4051.

SEC. 701. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

20 USC 4052.

SEC. 702. A local educational agency is eligible to receive assistance under this title if the local educational agency—

20 USC 3191.

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

Discrimination, prohibition.

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

42 USC 2000d.

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

20 USC 4053.

SEC. 703. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

Discrimination, prohibition.

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

Grants.

SEC. 704. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together. 20 USC 4054. 98 STAT. 1300

DEFINITION

SEC. 705. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds. 20 USC 4055.

USES OF FUNDS

SEC. 706. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including— Grants. 20 USC 4056.

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 707. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b). 20 USC 4057.

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees— Discrimination, prohibition.

(1) to use funds made available under this title for the purposes specified in section 703;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in designing or operating extracurricular activities for students; and 98 STAT. 1301

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

20 USC 4058. SEC. 708. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

20 USC 4059. SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for the courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

20 USC 4060. SEC. 710. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local education agency concerned.

20 USC 3811 *et seq.*

20 USC 3832.

20 USC 3811 *et seq.*

PAYMENTS

20 USC 4061. SEC. 711. (a) The Secretary shall pay to each local educational agency having an application under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

98 STAT. 1302

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 712. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title. 20 USC 4062. 20 USC 1234b, 1234c.

TITLE VIII—THE EQUAL ACCESS ACT

The Equal Access Act.

SHORT TITLE

SEC. 801. This title may be cited as "The Equal Access Act". 20 USC 4071 note.

DENIAL OF EQUAL ACCESS PROHIBITED

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. 20 USC 4071.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

98 STAT. 1303

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

20 USC 4072.

SEC. 803. As used in this title—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

98 STAT. 1304

SEVERABILITY

20 USC 4073.

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

20 USC 4074.

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

Approved August 11, 1984.

LEGISLATIVE HISTORY—H.R. 1310 (S. 1285):

HOUSE REPORTS No. 98-6, Pt. 1 (Comm. on Education and Labor) and Pt. 2 (Comm. on Science and Technology).
SENATE REPORT: No. 98-151 accompanying S. 1285 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Mar. 2, considered and passed House.
Vol. 130 (1984): June 6, 26, S. 1285 considered in Senate.
June 27, considered and passed Senate, amended, in lieu of S. 1285.
July 25, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 33 (1984):
Aug. 11, Presidential statement.

Public Law 98-392
98th Congress

98 STAT. 1362

An Act

To authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes.

Aug. 21, 1984
[S. 2556]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "1983,"; and

(2) by inserting after "1984" the following: ", $838,549 for the fiscal year ending September 30, 1985, and $867,898 for the fiscal year ending September 30, 1986".

SEC. 2. Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107), as amended by the first section of this Act, is further amended—

(1) by inserting before "There" the following: "(a)"; and

(2) by adding at the end the following new subsection:

"(b) No amount authorized by subsection (a) of this section for the fiscal year ending September 30, 1985, or the fiscal year ending September 30, 1986, may be used for pay, benefits, or other expenses of any personnel position established after the date of the enactment of this subsection.".

Public buildings and grounds.
Day care center.
40 USC 214b.

SEC. 3. (a) Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b), the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b)(1) In the case of any such designation referred to in subsection (a) involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Administration, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) as a play area.

(3) The authority to use an area designated pursuant to subsection (a) as a play area may be terminated at any time by the Committee which approved such designation.

(c) Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) from placing playground equipment within an area designated pursuant to subsection (a) for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Administration, with the concurrence of the House Office Building Commission.

98 STAT. 1363

(d) The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) for use as a play area.

Approved August 21, 1984.

LEGISLATIVE HISTORY—S. 2556 (H.R. 5886):

HOUSE REPORT No. 98-871 accompanying H.R. 5886 (Comm. on House Administration).
SENATE REPORT No. 98-433 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 22, considered and passed Senate.
Aug. 8, H.R. 5886 considered and passed House; S. 2556, amended, passed in lieu.
Aug. 9, Senate concurred in House amendments.

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98 STAT. 2236

Public Law 98-480
98th Congress

An Act

Oct. 17, 1984
[H.R. 2878]

To amend and extend the Library Services and Construction Act.

Grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Library Services and Construction Act Amendments of 1984.

TITLE I—LIBRARY SERVICES AND CONSTRUCTION

SHORT TITLE; FINDINGS

20 USC 351 note.

SEC. 101. (a) This title may be cited as the "Library Services and Construction Act Amendments of 1984".

20 USC 351 note.

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

20 USC 351 note.

(5) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

DECLARATION OF PURPOSE

20 USC 351.

SEC. 102. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this title referred to as "the Act") is amended to read as follows:

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.".

Indians.

98 STAT. 2237

Aged persons.
Handicapped persons.
Disadvantaged persons.

(b) Section 2(b) of the Act is amended by inserting "and Indian tribes" before the period at the end of the second sentence.

Indians.
20 USC 351.

DEFINITIONS; ADMINISTRATIVE AMENDMENT

SEC. 103. (a) Section 3 of the Act is amended—

20 USC 351a.

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'Secretary' means the Secretary of Education.";

(2) by inserting after the first sentence in paragraph (2) the following new sentence: "Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the 'Architectural Barriers Act of 1968', remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.";

42 USC 4151 note.

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in paragraph (7);

(4) by striking out the parenthetical in paragraph (9) and inserting in lieu thereof the following: "(including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education)"; and

(5) by adding at the end thereof the following new paragraphs:

"(15) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.

43 USC 1601 note.

"(16) 'Hawaiian native' means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.".

(b) The Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) by striking out "Commissioner's" each place it appears and inserting in lieu thereof "Secretary's".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows:

20 USC 351b.

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $75,000,000 for fiscal year 1985, $80,000,000 for fiscal year 1986, $85,000,000 for fiscal year 1987, $90,000,000 for fiscal year 1988, and $95,000,000 for fiscal year 1989;

20 USC 352.

98 STAT. 2238

20 USC 355a. "(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989;

20 USC 355e. "(3) for the purpose of making grants as provided in title III, $20,000,000 for fiscal year 1985, $25,000,000 for fiscal year 1986, $30,000,000 for fiscal year 1987, $35,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989;

Post, p. 2244. "(4) for the purpose of making grants as provided in title V, $1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988; and

Post, p. 2245. "(5) for the purpose of making grants as provided in title VI, $5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988.

There shall be available for the purpose of making grants under
Post, p. 2243. title IV for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of clauses (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 5(d) for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such clauses for each such fiscal year.".

20 USC 351b. (b) Section 4 of the Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.".

ALLOTMENTS TO STATES AND INDIAN TRIBES

20 USC 351c. SEC. 105. Section 5 of the Act is amended—

(1) by inserting "AND INDIAN TRIBES" after "STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" each place it appears in subsection (a) and inserting in lieu thereof "clause (1), (2), or (3)";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," each place it appears in subsection (a)(3);

(4) in subsection (a)(3), by inserting "and" at the end of clause (B), by striking out "; and" at the end of clause (C), and inserting in lieu thereof a period, and by striking out clause (D);

(5) in subsection (b), by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "clause (1), (2), or (3)"; and

(6) by adding at the end thereof the following new subsections:

"(c)(1) From the sums available pursuant to the second sentence of
Ante, p. 2237. section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved
Post, p. 2244. applications under section 403.

98 STAT. 2239

"(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under
Post, p. 2244. section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities
Post, p. 2243. described in section 402(b).

"(d)(1) From the sums available pursuant to the last sentence of
Ante, p. 2237. section 4(a) for any fiscal year, the Secretary shall make grants to

organizations primarily serving and representing Hawaiian natives that are recognized by the Governor of the State of Hawaii.

"(2) Grants under this subsection shall be made on the basis of applications and plans submitted by such organizations that are consistent with the requirements imposed pursuant to sections 403 and 404. Funds made available by grants under this subsection may be used for the purposes specified in clauses (1) through (8) of section 402(a). Section 402(c) shall apply with respect to the cultural materials of Hawaiian natives.".

Post, p. 2244.
Post, p. 2244.
Post, p. 2243.

PLANS AND PROGRAMS

SEC. 106. Section 6 of the Act is amended—

20 USC 351d.

(1) by striking out "STATE" in the heading of such section;

(2) by striking out "titles I, II, III, and IV" in subsection (a) and inserting in lieu thereof "titles I, II, and III";

(3) by striking out clause (4) of subsection (b) and inserting in lieu thereof the following:

"(4) provide that priority will be given to programs and projects—

"(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency or handicapping conditions, and programs and projects in urban and rural areas;

"(B) that serve the elderly;

"(C) that are designed to combat illiteracy; and

"(D) that increase services and access to services through effective use of technology."; and

(4) by adding at the end thereof the following new subsection:

"(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

Ante, p. 2238.
Post, p. 2244.

"(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.".

Ante, p. 2238.
Post, p. 2244.

PAYMENTS

SEC. 107. Section 7 of the Act is amended—

20 USC 351e.

(1) by striking out "TO STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" in subsection (a) and inserting in lieu thereof "clause (1), (2), or (5)";

(3) by striking out "and title IV" in subsection (b)(1);

(4) by inserting "and the Northern Mariana Islands" after "American Samoa," in subsection (b)(1);

(5) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in subsection (b)(2); and

98 STAT. 2240

(6) by adding at the end thereof the following new subsection:

"(c) From the sums available pursuant to the second sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe's allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe's additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.".

Ante, p. 2237.
Post, p. 2244.
Ante, p. 2238.
Post, p. 2244.
Ante, p. 2239.

ADMINISTRATIVE COST

SEC. 108. Section 8 of the Act is amended to read as follows:

20 USC 351f.

"ADMINISTRATIVE COST

"SEC. 8. A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative

20 USC 352, 355a.
20 USC 355e.

expenditures under such titles for any fiscal year may not exceed the greater of (1) 6 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) $60,000.".

GRANTS FOR LIBRARY SERVICE

20 USC 352.

SEC. 109. Section 101 of the Act is amended to read as follows:

"GRANTS TO STATES FOR LIBRARY SERVICES

Ante, p. 2237.
Ante, p. 2239.
Post, p. 2241.

"SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have approved basic State plans under section 6 and have submitted annual programs under section 103—

"(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

"(2) for adapting public library services to meet particular needs of individuals within the States;

"(3) for assisting libraries to serve as community information referral centers;

"(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

"(5) for strengthening State library administrative agencies; and

"(6) for strengthening major urban resource libraries.".

USES OF FEDERAL FUNDS

20 USC 353.

SEC. 110. Section 102(a)(1) of the Act is amended by inserting "assist libraries to serve as community centers for information and 98 STAT. 2241 referral and to" after "designed to".

STATE LIBRARY SERVICE PROGRAM

20 USC 354.

SEC. 111. Section 103 of the Act is amended—

(1) by inserting after "handicapped" in clause (3) the following: "and institutionalized individuals";

(2) by redesignating clauses (4) and (5) as clauses (6) and (7), respectively, and inserting after clause (3) the following:

"(4) describe the uses of funds for programs for the elderly, which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;

"(5) describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;"; and

(3) by adding at the end thereof the following new sentence: "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.".

CONSTRUCTION: USE OF FUNDS

SEC. 112. (a) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.". 20 USC 355b.

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "SEC. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-half of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.". Courts, U.S.

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) of this subsection shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act. 20 USC 355b note.

20 USC 355a.

98 STAT. 2242

INTERLIBRARY COOPERATION AND RESOURCE SHARING

SEC. 113. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION". 20 USC prec. 355e.

(b) Section 301 of the Act is amended— 20 USC 355e.

(1) by striking out "section 6 and" and inserting in lieu thereof "section 6,"; and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304". *Infra.*

(c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence. 20 USC 355e-2.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

"SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward eventual compliance with the provisions of this section. 20 USC 355e-3.

"(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include— *Ante*, p. 2239.

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

"(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing systems; and

"(9) a description of how the evaluations required by section 6(d) will be conducted.

"(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.".

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 114. Title IV of the Act is amended to read as follows:

"TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

"FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

"SEC. 401. (a) The Congress finds that— 20 USC 361.

"(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act; 20 USC 352, 355a, 355e.

"(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

"(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

"(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

"(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

"(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations. *Ante*, p. 2238. *Post*, p. 2244.

"(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404. *Ante*, p. 2238. *Post*, p. 2244.

"USE OF FUNDS

"SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for— 20 USC 362. *Supra.*

"(1) inservice or preservice training of Indians as library personnel;

"(2) purchase of library materials;

"(3) conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

"(6) transportation to enable Indians to have access to library services;

"(7) dissemination of information about library services;

"(8) assessment of tribal library needs; and

"(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in clauses (1) through (8).

"(b) Any tribe that supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

"APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

"SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation. 20 USC 363. *Ante,* p. 2238.

"PLANS FOR LIBRARY SERVICES TO INDIANS

"SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with— 20 USC 364. *Ante,* p. 2238.

"(1) a long-range program, and

"(2) the purposes set forth in section 402(a). *Ante,* p. 2243.

"COORDINATION WITH PROGRAMS FOR INDIANS

"SEC. 405. The Secretary, with the Secretary of the Interior, shall coordinate programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.". 20 USC 365.

FOREIGN LANGUAGE MATERIALS AND LITERACY PROGRAMS

SEC. 115. The Act is further amended by adding at the end thereof the following new titles:

"TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

"GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

"SEC. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials. 20 USC 371. *Ante,* p. 2237.

"(b) Recipients of grants under this title shall be selected on a competitive basis.

"(c) No grant under this title for any fiscal year shall exceed $15,000.

98 STAT. 2245

"TITLE VI—LIBRARY LITERACY PROGRAMS

"STATE AND LOCAL LIBRARY GRANTS

20 USC 375. *Ante*, p. 2237.

"SEC. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

"(b) Grants to State public libraries under this title shall be for the purposes of—

"(1) coordinating and planning library literacy programs; and

"(2) making arrangements for training librarians and volunteers to carry out such programs.

"(c) Grants to local public libraries shall be for the purposes of—

"(1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;

"(2) acquisition of materials for literacy programs; and

"(3) using library facilities for such programs.

"(d) Recipients of grants under this title shall be selected on a competitive basis.

"(e) No grant under this title for any fiscal year shall exceed $25,000.".

Howard University Endowment Act.

TITLE II—HOWARD UNIVERSITY ENDOWMENT

SHORT TITLE

20 USC 130aa note.

SEC. 201. This title may be cited as the "Howard University Endowment Act".

DEFINITIONS

20 USC 130aa.

SEC. 202. For purposes of this title—

(1) the term "endowment fund" means a fund, or a tax exempt foundation, established and maintained by Howard University for the purpose of generating income for its support, but which shall not include real estate;

(2) the term "endowment fund corpus" means an amount equal to the grants awarded under this title plus an amount equal to such grants provided by Howard University;

(3) the term "endowment fund income" means an amount equal to the total value of the endowment fund established under this title minus the endowment fund corpus;

(4) the term "Secretary" means the Secretary of Education; and

(5) the term "University" means the Howard University established by the Act of March 2, 1867.

14 Stat. 438.

PROGRAM AUTHORIZED

20 USC 130aa-1.

SEC. 203. (a) The Secretary is authorized to establish an endowment program, in accordance with the provisions of this title, for the purpose of establishing or increasing endowment funds, providing additional incentives to promote fundraising activities, and encouraging independence and self-sufficiency at the University.

(b)(1) From the funds appropriated pursuant to this title for endowments in any fiscal year for the University, the Secretary is authorized to make grants to Howard University. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions deemed necessary by the Secretary to assure that the purposes of this title will be achieved.

98 STAT. 2246

(2) The University may receive a grant under this section only if it has deposited in the endowment fund established under this title an amount equal to such grant and has adequately assured the Secretary that it will administer the endowment fund in accordance with the requirements of this title. The source of funds for this institutional match shall not include Federal funds or funds derived from an existing endowment fund.

(3) The period of any grant under this section shall not exceed twenty years, and during such period the University shall not withdraw or expend any of its endowment fund corpus. Upon the expiration of any grant period, the University may use the endowment fund corpus plus any endowment fund income for any educational purpose.

INVESTMENTS

Sec. 204. (a) The University shall invest its endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the law of the District of Columbia, such as federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States. 20 USC 130aa-2.

(b) The University, in investing its endowment fund corpus and income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own business affairs.

WITHDRAWALS AND EXPENDITURES

Sec. 205. (a) The University may withdraw and expend its endowment fund income to defray any expenses necessary to its operation, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor entered into after January 1, 1981. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure. 20 USC 130aa-3.

(b) The Secretary is authorized to permit the University to withdraw or expend more than 50 per centum of its total aggregate endowment income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(A) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(B) a life-threatening situation occasioned by a natural disaster or arson; or

(C) another unusual occurrence or exigent circumstance.

98 STAT. 2247

(c)(1) If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof).

(2) The University shall not withdraw or expend any endowment fund corpus. If the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to 50 per centum of the amount withdrawn or expended (representing the Federal share thereof) plus any income earned thereon.

ENFORCEMENT

Sec. 206. (a) After notice and an opportunity for a hearing, the Secretary is authorized to terminate and recover any grant awarded under this title if the University— 20 USC 130aa-4.

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 205;

(2) fails to invest its endowment fund corpus or income in accordance with the investment standards set forth in section 204; or

(3) fails to account properly to the Secretary concerning investments and expenditures of its endowment fund corpus or income.

(b) If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this Act plus any income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

AUTHORIZATION OF APPROPRIATIONS

20 USC 130aa-5.

SEC. 207. There is authorized to be appropriated $2,000,000 for the purposes authorized under section 203. Funds appropriated under this section shall remain available until expended.

CONFORMING AMENDMENTS

SEC. 208. Section 8 of the Act of March 2, 1867, entitled "An Act to incorporate the Howard University in the District of Columbia" (ch. 162, 14 Stat. 439, 20 U.S.C. 123, as amended by Public Law 70-634, 45 Stat. 1021, and by Public Law 79-615, 60 Stat. 871) is further amended by inserting "endowment," after "improvement,".

EFFECTIVE DATE

20 USC 130aa note.

SEC. 209. This title shall take effect on October 1, 1984.

TITLE III—HIGHER EDUCATION PROJECTS

LIBRARY PROJECT AUTHORIZED

University of Hartford, Hartford, Conn.

98 STAT. 2248

SEC. 301. (a) The Secretary of Education (hereafter in this title referred to as the "Secretary") is authorized to provide financial assistance, in accordance with the provisions of this section, to pay all of the cost of construction, and related expenses, for an addition to the William H. Mortensen Library at the University of Hartford located at Hartford, Connecticut, to enable the University of Hartford to house a collection of materials relating to Presidential campaigns and to American political history, known as the Presidential Americana, together with other collections.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

Appropriation authorization.

(c) There are authorized to be appropriated such sums, not to exceed $6,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

HUMAN DEVELOPMENT CENTER FACILITY AUTHORIZED

University of Kansas, Lawrence, Kans.
Handicapped persons.

SEC. 302. (a) The Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Kansas located in Lawrence, Kansas, to pay the Federal share of the cost of construction and related costs for a human development center facility at the University of Kansas, to be used as a national research and training resource for individuals acquiring expertise in the rehabilitation, education, parent training, employment, independent living, and public policy concerns of handicapped individuals and their families, and as a treatment resource for handicapped persons and their families.

(b) No financial assistance may be made under this section unless an application is made at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

Appropriation authorization.

(c) There are authorized to be appropriated such sums, not to exceed $9,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

CARL VINSON INSTITUTE OF GOVERNMENT AUTHORIZED

University of Georgia, Athens, Ga.

SEC. 303. (a) In recognition of the public service of Representative Carl Vinson, in order to enhance the program of service to State and local governments in Georgia and in other States provided by the Carl Vinson Institute of Government of the University of Georgia, and in order to preserve a historic landmark that provided special education opportunities for young women in Georgia and in other States at a time when such opportunities were limited or nonexistent, the Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the State of Georgia to renovate the physical facilities of the former Lucy Cobb Institute for Girls in Athens, Georgia, for the purpose of providing a center for the Carl Vinson Institute of Government of the University of Georgia.

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

98 STAT. 2249

Appropriation authorization.

(c) There are authorized to be appropriated $3,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

JOHN W. MCCORMACK INSTITUTE OF PUBLIC AFFAIRS

University of Massachusetts, Boston, Mass.

SEC. 304. (a) In recognition of the public service of the former Speaker of the United States House of Representatives, John W. McCormack, and of the pressing need for national centers for applied public policy research, the Secretary is authorized to provide funds in accordance with the provisions of this section to assist in the development of the John W. McCormack Institute of Public Affairs, located at the University of Massachusetts, Boston, Massachusetts.

(b) No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require in order to certify the amount of eligible funds. All such payments may be used in furtherance of the mission of the McCormack Institute, which is defined as research, instruction, and civil education related to public policy and the role of representative government in the United States.

(c)(1) Funds appropriated pursuant to this section shall be made available to the John W. McCormack Institute on or after October 1, 1984, and prior to the close of the fiscal year ending September 30, 1987.

Appropriation authorization.

(2) There are authorized to be appropriated such sums as may be necessary to carry out this section for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years, except

that the aggregate amount so appropriated shall not exceed $3,000,000. Funds appropriated pursuant to this section shall remain available until expended.

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 2878 (S. 2490):

HOUSE REPORTS: No. 98-165 (Comm. on Education and Labor) and
No. 98-1075 (Comm. of Conference).
SENATE REPORT No. 98-486 accompanying S. 2490 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Jan. 30, 31, considered and passed House.
June 21, considered and passed Senate, amended, in lieu of S. 2490.
Aug. 8, House concurred in Senate amendment with an amendment.
Oct. 2, House agreed to conference report.
Oct. 3, Senate agreed to conference report.

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98 STAT. 2366

Public Law 98-511
98th Congress

An Act

Oct. 19, 1984
[S. 2496]

To extend the authorization of appropriations for certain education programs, and for other purposes.

Education Amendments of 1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

20 USC 2701 note.

SECTION 1. This Act may be cited as the "Education Amendments of 1984".

TITLE I—ADULT EDUCATION ACT AMENDMENTS

STATEMENT OF PURPOSE

20 USC 1201.

SEC. 101. Section 302 of the Adult Education Act (20 U.S.C. 1201 et seq.), hereafter in this title referred to as "the Act", is amended—

(1) by inserting after "basic" in clause (1) the following: "literacy", and

(2) by inserting after "training" in clause (3) the following: "and education".

DEFINITIONS

20 USC 1202.

SEC. 102. (a) Section 303(a) of the Act is amended to read as follows:

"(a) The term 'adult' means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law, except that for the purpose of section 305(a), the term 'adult' means an individual 16 years of age or older.".

Post, p. 2367.

(b) Section 303(b) of the Act is amended to read as follows:

"(b) The term 'adult education' means instruction or services below the college level for adults who do not have—

"(1) the basic skills to enable them to function effectively in society; or

"(2) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).".

(c) Section 303(d) of the Act is amended to read as follows:

"(d) The term 'Secretary' means the Secretary of Education.".

(d) Section 303(g) of the Act is amended to read as follows:

"(g) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the

Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(e) Section 303(j) of the Act is amended by striking out "section 801(e) of the Elementary and Secondary Education Act of 1965" and inserting in lieu thereof "section 481 of the Higher Education Act of 1965".

(f) The Act is amended—

98 STAT. 2367

(1) by striking out "Commissioner" each time it appears, except the second time it appears in section 311(c), and inserting in lieu thereof "Secretary"; and 20 USC 1202 *et seq.*

(2) by striking out "Commissioners" in section 308(b) and inserting in lieu thereof "Secretary". 20 USC 1207.

STATE GRANTS

SEC. 103. (a) Section 304(a) of the Act is amended— 20 USC 1203.

(1) by striking out "establishment of expansion" each time it appears and inserting in lieu thereof "establishment or expansion"; and

(2) by striking out "nonprofit" each time it appears.

(b) Section 304(a) of the Act is amended—

(1) by inserting (1) after the subsection designation;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(3) by adding at the end thereof the following new paragraph:

"(2) Grants provided under this section may not be used to carry out programs by a for-profit agency, organization, or institution unless such agency, organization, or institution (A) can make a significant contribution to attaining the objectives of this Act, and (B) can provide substantially equivalent education at a lesser cost or can provide services and equipment not available in public institutions. Whenever the establishment or expansion of programs is carried out by a for-profit agency, organization, or institution, the State educational agency or eligible applicant shall enter into a contract with such agency, organization, or institution, for the establishment or expansion of such programs.".

STATE ALLOTMENTS

SEC. 104. (a) Section 305(a) of the Act is amended— 20 USC 1204.

(1) by striking out "From" and inserting in lieu thereof "Subject to the last sentence of this subsection, from";

(2) by striking out "not more than 1 per centum thereof among" in clause (1) and inserting in lieu thereof "$100,000 each to"; and

(3) by striking out "$150,000" in clause (2) and inserting in lieu thereof "$250,000".

(b) The last sentence of section 305(a) of the Act is amended to read as follows: "No State shall be allotted in any fiscal year beginning after September 30, 1984, an amount less than that State received for fiscal year 1984.".

STATE PLANS

SEC. 105. (a) Section 306(a)(1) of the Act is amended by striking out "section 434" and inserting in lieu thereof "section 435". 20 USC 1205.

(b) Section 306(b) of the Act is amended—

(1) by striking out "and" at the end of clause (13);

(2) by striking out clause (14) and inserting in lieu thereof the following:

"(14) provide such information about the State's adult education students, programs, expenditures, and goals as the Secretary may require, together with information with respect to the age, sex, and race of students in the programs assisted under this Act and whether the students complete such programs; and

98 STAT. 2368

"(15) provide such further assurances and information as the Secretary may require.".

PAYMENTS

20 USC 1206.

SEC. 106. Section 307(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) The Secretary may waive, for one fiscal year only, the requirements of paragraph (1) of this subsection, if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State educational agency.".

ADMINISTRATION OF STATE PLANS

20 USC 1207.

SEC. 107. Section 308 of the Act is amended to read as follows:

"ADMINISTRATION OF STATE PLANS

"SEC. 308. Whenever the Secretary has reason to believe that, in administering its State plan, a State has failed to comply substantially with any provision of that State plan, the Secretary may take appropriate action under sections 453 and 454 of the General Education Provisions Act.".

20 USC 1234b, 1234c.

NATIONAL PROGRAMS

20 USC 1207a.

SEC. 108. Section 309 of the Act is amended to read as follows:

"RESEARCH, DEVELOPMENT, DEMONSTRATION, DISSEMINATION, AND EVALUATION

"SEC. 309. (a)(1) The Secretary shall, with funds set aside under section 314(b), support applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States. The activities required by this subsection may include—

"(A) improving adult education opportunities for elderly individuals and adult immigrants,

"(B) evaluating educational technology and computer software suitable for providing instruction to adults, and

"(C) supporting exemplary cooperative adult education programs which combine the resources of businesses, schools and community organizations.

Grants.
Contracts with U.S.

"(2)(A) The Secretary may support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals, including business concerns.

"(B) Whenever the Secretary makes a grant or enters into a contract or cooperative agreement with any private for-profit institution, agency, organization, individual, or business concern, the Secretary shall assure that participants in the program assisted under this subsection are not charged for their participation.

20 USC 1221e.
Infra.
98 STAT. 2369
Grants.
Contracts with U.S.

"(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act, the Director of the National Institute of Education may, with funds available under that section or with funds set aside under section 314(b) of this Act, support research on the special needs of individuals requiring adult education. The Director may support such research directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.".

REPEALS AND REDESIGNATIONS

20 USC 1208a, 1211c.

SEC. 109. (a)(1) Sections 311 and 318 of the Act are repealed.

20 USC 1208b, 1209, 1210, 1211, 1211a.

(2) Sections 312, 313, 314, 315, and 316 of the Act are redesignated as sections 311, 312, 313, 314, and 315, respectively.

20 USC 1232-1.

(b) Section 431A of the General Education Provisions Act is repealed.

STATE ADVISORY COUNCILS

SEC. 110. Section 311 of the Act (as redesignated by section 109) is amended to read as follows: 20 USC 1208b.

"STATE ADVISORY COUNCILS

"SEC. 311. Any State may use funds granted under section 304 to support a State advisory council which assists the State educational agency to plan, implement, or evaluate programs or activities assisted under this Act.". *Ante*, p. 2367

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 111. Section 312 of the Act (as redesignated by section 109) is amended by striking out "1984" and inserting in lieu thereof "1988". 20 USC 1209.

AUTHORIZATION OF APPROPRIATIONS

SEC. 112. Section 314 of the Act (as redesignated by section 109) is amended to read as follows: 20 USC 1211.

"APPROPRIATIONS AUTHORIZED

"SEC. 314. (a) For the purpose of carrying out this title there are authorized to be appropriated $140,000,000 for fiscal year 1985 and such sums as may be necessary for each of the three succeeding fiscal years.

"(b)(1) From the amount appropriated pursuant to subsection (a) for any fiscal year the Secretary may set aside not to exceed 5 per centum of that amount for programs under section 309. The remainder of the amount appropriated in each fiscal year shall be available for grants made under section 304. *Ante*, p. 2496. *Ante*, p. 2367.

"(2) No set aside may be made pursuant to paragraph (1) of this subsection in any fiscal year in which the amount appropriated pursuant to subsection (a) of this section is less than $112,000,000.".

TITLE II—REVISION OF THE BILINGUAL EDUCATION ACT

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

98 STAT. 2370

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

Bilingual Education Act.

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'. 20 USC 3221.

"POLICY; APPROPRIATIONS

"SEC. 702. (a) Recognizing— 20 USC 3222.

"(1) that there are large and growing numbers of children of limited English proficiency;

"(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

"(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

"(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

"(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

"(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

"(7) that in some school districts establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

"(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

"(9) that children of limited English proficiency have a high dropout rate and low median years of education;

"(10) that the segregation of many groups of limited English proficient students remains a serious problem;

"(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

"(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

"(13) that parent and community participation in bilingual education programs contributes to program effectiveness; and

"(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

98 STAT. 2371

Appropriation authorization.

"(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the three succeeding years such sums as may be necessary, subject to paragraph (7).

Post, p. 2380.

"(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the three succeeding fiscal years, subject to paragraph (7).

Ante, p. 2369.

"(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1).

"(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this Act; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1). *Post*, p. 2374. *Post*, p. 2374.

"(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C. *Post*, p. 2383.

"(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752. *Post*, p. 2386.

"(7) Notwithstanding paragraphs (1) and (2), no amount in excess of $176,000,000 is authorized to be appropriated to carry out the provisions of this title (including section 732) for fiscal year 1985. *Post*, p. 2380.

"DEFINITIONS; REGULATIONS

"SEC. 703. (a) The following definitions shall apply to the terms used in this title: 20 USC p. 3223.

"(1) The terms 'limited English proficiency' and 'limited English proficient' when used with reference to individuals means—

"(A) individuals who were not born in the United States or whose native language is a language other than English;

"(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation; and

"(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965. 20 USC 2711.

"(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

"(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

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"(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(6) The term 'special alternative instructional programs' means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"(8) The term 'programs of academic excellence' means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

"(9) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs.

"(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs for persons of limited English proficiency' when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to part E of title IV of the Carl D. Perkins Vocational Education Act, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

Ante, p. 2477.
20 USC 1205.

20 USC 351d.

Regulations.

"(b)(1) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

"(2) The Secretary shall not prescribe under this title any regulations further defining the terms defined in paragraphs (4), (5), (6), (7), and (8) of subsection (a), or any regulations restricting or expanding the definitions contained in such paragraphs.

"(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

Grants.
20 USC 3231.

"SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

"(1) programs of transitional bilingual education;

"(2) programs of developmental bilingual education;

"(3) special alternative instructional programs for students of limited English proficiency;

"(4) programs of academic excellence;

"(5) family English literacy programs;

"(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

"(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

"(b)(1)(A) A grant may be made under subsection (a) (1), (2), (3), or (4) of this section only upon application therefore by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

"(B) A grant may be made under subsection (a) (5) or (6) only upon application therefore by one or more local educational agencies; institutions of higher education, including junior or community colleges; and private nonprofit organizations, applying separately or jointly.

"(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

"(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

98 STAT. 2375 "(A) the number of children enrolled in programs conducted by the local educational agency;

"(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

"(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

"(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

"(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

"(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

"(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(H) the resources needed to develop and operate or improve the proposed program;

"(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

"(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

"(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

"(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

"(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

"(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

"(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter
98 STAT. 2376 test scores; grade retention rates; rates of referral to or placement in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

"(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

"(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

"(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

"(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

"(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

"(C) the extent to which the persons to be served by the program have been involved in its development;

"(D) applicant's prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

"(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

"(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

"(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

"(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

"(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

"(i) the applicant's program does not comply with the requirements set out in this title;

"(ii) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

"(iii) there is no longer a need for the applicant's program.

"(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

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"(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

"(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

"(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

"(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

"(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

"(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

"(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

"(f) An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

"(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

"(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

Post, p. 2381.

"(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

"(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

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"(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; or

42 USC 2000d.

"(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

"(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

"(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

"(A) the geographic distribution of children of limited English proficiency;

"(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title;

"(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities; and

"(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

"(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

"(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

"(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

"(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f)(2) of this section, the Secretary shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

"INDIAN CHILDREN IN SCHOOLS

"SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications: 20 USC 3232.

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as

43 USC 1601 note.

defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

"(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

Report.

"(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which

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provides—

"(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

"USE OF FUNDS

20 USC 3241.

"SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

"GRANTS FOR STATE PROGRAMS

20 USC 3242.

"SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

Report.
Regulations.

"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

Ante, p. 2374.

Public information.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State and local educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

"(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than $50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

Ante, p. 2370.

Ante, p. 2374.

"(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"PROGRAM EVALUATION REQUIREMENTS

Regulations.
20 USC 3243.

Ante, p. 2374.

"SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

"(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

"(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

"(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

"(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

"EVALUATION ASSISTANCE CENTERS

Grants.
20 USC 3244.

"SEC. 734. The Secretary shall establish, through competitive grants to institutions of higher education, at least two evaluation

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assistance centers. Such centers shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those assisted under this title. Grants made pursuant to this section shall be for a period of three years.

"RESEARCH

Contracts with U.S.
20 USC 3245.

"Sec. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

"(b) Research activities authorized to be assisted under this section shall include—

"(1) studies to determine and evaluate effective models for bilingual education programs;

"(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

"(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

"(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

"(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

"(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

"(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

"(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

"(c) In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

Public information.

"(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

"COORDINATION OF RESEARCH

20 USC 3246.
20 USC 1221e.

"Sec. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and

98 STAT. 2383

Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

"EDUCATION STATISTICS

"SEC. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish, as part of its annual report on the condition of education, data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

Public information.
20 USC 3247.

"(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

"PART C—TRAINING AND TECHNICAL ASSISTANCE

"USE OF FUNDS

"SEC. 741. (a) Funds available under this part shall be used for—

20 USC 3251.

"(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

"(2) the training of persons to teach and counsel such persons;

"(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

"(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

"(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

"(b)(1) A grant or contract may be made under subsection (a)(1), (a)(2), or (a)(3) of this section upon application of an institution of higher education.

Grants.
Contracts with U.S.

98 STAT. 2384

"(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

"(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

"(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual

Ante, p. 2374.

education for the purposes of section 721(e) of this title.

"(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

"(1) teaching English as a second language;
"(2) use of a non-English language for instructional purposes;
"(3) linguistics; and
"(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

"MULTIFUNCTIONAL RESOURCE CENTERS

Grants.
Contracts with U.S.
20 USC 3252.

"SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish, through competitive grants or contracts, at least 16 multifunctional resource centers (hereafter in this section referred to as 'centers'). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

"(b) In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

"FELLOWSHIPS

20 USC 3253.

"SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not

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less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

Infra.
Study.
Public information.

"(b) The Secretary shall undertake an on-going longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

"(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

"PRIORITY

"SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

20 USC 3254.

"STIPENDS

"SEC. 745. In the terms of any arrangement described in this part, the Secretary shall provide for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

20 USC 3255.

"PART D—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

Establishment.
20 USC 3261.

"SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the 'Office') through which the Secretary shall carry out functions relating to bilingual education.

"(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable the Director to carry out such functions and responsibilities effectively, except that there shall be a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

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Report.

"(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986 and 1988, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

Ante, p. 2370.

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

"(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficent personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL EDUCATION

Establishment.
20 USC 3262.

98 STAT. 2387

"Sec. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom shall be designated by the Secretary as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilingual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1988.

20 USC 1233g.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

20 USC 1233e.

"(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and in the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the

Report.

Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency. *Ante*, p. 2385.

"(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.". 20 USC 1233d.

TITLE III—AMENDMENTS TO FEDERAL IMPACT AID LAWS

GENERAL EXTENSIONS OF AUTHORIZATIONS

SEC. 301. (a)(1) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236) is amended by striking out "October 1, 1983" each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof "October 1, 1988". 20 USC 237, 238, 239, 241-1.

(2) Section 3(d)(2)(E) of such Act is amended—

(A) by striking out "fiscal year 1983 or 1984" in division (ii) and inserting in lieu thereof "any of the fiscal years 1983 through 1988"; and

(B) by striking out division (iii).

(3) Section 3(c)(2)(A) of such Act is amended—

(A) by striking out division (i); and

(B) by redesignating divisions (ii) and (iii) as divisions (i) and (ii), respectively.

(4)(A) Section 504 of the Omnibus Education Reconciliation Act of 1981 is repealed. 20 USC 631 note.

(B) Section 505(a)(1) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The total amount of appropriations to make payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) shall not exceed $740,000,000 for fiscal year 1985, $760,000,000 for fiscal year 1986, $780,000,000 for fiscal year 1987, and $800,000,000 for fiscal year 1988.". 20 USC 237 note. 20 USC 236 note.

(C) Subsections (a)(3) and (b) of section 505 of such Act are each amended by striking out "1982, 1983, 1984, or 1985" and inserting in lieu thereof "1985, 1986, 1987, or 1988". 20 USC 237 note, 238 note.

(b) The Act of September 23, 1950 (Public Law 815, Eighty-first Congress; 20 U.S.C. 631) is amended—

(1) by striking out "September 30, 1983" in section 3 and inserting in lieu thereof "September 30, 1988"; and 20 USC 633.

(2) by striking out "October 1, 1983" in section 16(a)(1)(A) and inserting in lieu thereof "October 1, 1988". 20 USC 646.

COLLECTION OF OVERPAYMENTS

SEC. 302. In the case of any local educational agency which the Secretary of Education determines has received, for any fiscal year after fiscal year 1976, an overpayment under section 2 of the Act of September 30, 1950 (20 U.S.C. 237) as a consequence of a recomputation of need based on revised data, the Secretary shall not require more than 10 percent of the amount of the overpayment to be repaid (or deducted from current payments) in any fiscal year. 20 USC 240 note.

AMENDMENTS TO IMPACT AID PROGRAM

SEC. 303. (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the 20 USC 238.

number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

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20 USC 238.

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

20 USC 240.

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of Public Law 98-211 (97 Stat. 1419)) are redesignated as subsection (h) of section 5 of that Act.

Effective date.
20 USC 240 note.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

Women's Educational Equity Amendments of 1984.
20 USC 2701 note.
20 USC 3342 *et seq.*

TITLE IV—WOMEN'S EDUCATIONAL EQUITY

SHORT TITLE; CONFORMING AMENDMENT

SEC. 401. (a) This title may be cited as the "Women's Educational Equity Amendments of 1984".

(b) The Women's Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.), hereafter in this title referred to as "the Act", is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Education".

FINDINGS AND PURPOSE

20 USC 3341.

SEC. 402. (a) Section 931(b)(1) of the Act is amended by adding at the end thereof the following: "The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.".

(b) Section 931(b)(2) of the Act is amended by adding at the end thereof the following: "It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex and on race, ethnic origin, disability, or age.".

GRANT AND CONTRACT AUTHORITY

20 USC 3342.

SEC. 403. (a) Section 932(a) of the Act is amended by adding at the end thereof the following: "The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.".

(b) Section 932(b) of the Act is amended—

(1) by striking out "$15,000,000" each place it appears and inserting in lieu thereof "$6,000,000";

(2) by striking out "shall be used" and all that follows in the second sentence and inserting in lieu thereof "may be used to support new activities described in paragraph (1) or to support activities described in paragraph (2), or both.".

CHALLENGE GRANTS

20 USC 3344.

SEC. 404. Section 934 of the Act is amended to read as follows:

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"CHALLENGE GRANTS

"SEC. 934. (a) In addition to the authority of the Secretary under section 932, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 932(a)(1)), not to exceed $40,000 each, in order to support projects to develop— Ante, p. 2389.

"(1) comprehensive plans for implementation of equity programs at every educational level;

"(2) innovative approaches to school-community partnerships;

"(3) new dissemination and replication strategies; and

"(4) other innovative approaches to achieving the purposes of this part.

"(b) For the purposes described in clauses (1) through (4) of subsection (a), the Secretary is authorized to make grants to public and private nonprofit agencies and to individuals.".

CRITERIA AND PRIORITIES

SEC. 405. Section 935 of the Act is amended— 20 USC 3345.

(1) by inserting "separate" after "Secretary shall establish"; and

(2) by inserting "under sections 932(a)(1) and 932(a)(2)" after "priorities for awards".

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

SEC. 406. Section 936 of the Act is amended— 20 USC 3346.

(1) by striking out "Office of Education" in subsection (a) and inserting in lieu thereof "Department of Education";

(2) by striking out paragraph (1) of such subsection and inserting in lieu thereof the following:

"(1) seventeen individuals, some of whom shall be students, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals, broadly representative of the general public and including (A) individuals who are experts in a wide range of issues of educational equity for women at all levels of education, including preschool, elementary and secondary education, higher education, and vocational and adult education; (B) individuals who are representative of and expert in the educational needs of racial and ethnic minority women, older women, and disabled women; (C) both women and men who have demonstrated commitment to and expertise in the purposes of this part; and (D) individuals who are representative of and expert in student financial assistance programs authorized under title IV of the Higher Education Act of 1965;"; 20 USC 1070.

(3) by striking out "advise" and all that follows through "on matters" in subsection (c)(1) and inserting in lieu thereof "advise the Secretary and the Congress on matters";

(4) by inserting "selection of funding priorities and" before "allocation of any funds" in subsection (c)(2); and

(5) by striking out subsection (c)(3) and inserting in lieu thereof the following:

"(3) advise all Federal agencies which have education programs concerning those aspects of the programs which relate to the educational needs and opportunities of women;".

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REPORT OF THE SECRETARY

SEC. 407. Section 937 of the Act is amended— 20 USC 3347.

(1) by striking out the heading of such section and inserting in lieu thereof the following:

"REPORTS, EVALUATION, AND DISSEMINATION";

(2) by striking out ", 1980, 1982, and 1984" and inserting in lieu thereof "of each of the years 1985 through 1989";

(3) by striking out "shall evaluate" in the last sentence and inserting in lieu thereof "shall oversee the evaluation of";

(4) by striking out "include such evaluation" in such sentence and inserting in lieu thereof "report on such evaluation"; and

(5) by inserting "(a)" after "SEC. 937." and by adding at the end thereof the following new subsection:

Public information.

"(b) The Office of Women's Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under this part.".

AUTHORIZATION OF APPROPRIATIONS

20 USC 3348.

SEC. 408. Section 938 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part there are authorized to be appropriated $10,000,000 for fiscal year 1985, $12,000,000 for fiscal year 1986, $14,000,000 for fiscal year 1987, $16,000,000 for fiscal year 1988, and $20,000,000 for fiscal year 1989.".

Indian Education Amendments of 1984.

TITLE V—AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

SHORT TITLE; REFERENCE

25 USC 2001 note.

SEC. 501. (a) This title may be cited as the "Indian Education Amendments of 1984".

Schools and colleges.

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

STANDARDS

25 USC 2001.

SEC. 502. (a) Section 1121(b)(2) is amended by adding at the end thereof the following: "Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Federal Center for Disease Control, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.".

(b) The first sentence of section 1121(d) is amended by striking out everything after "ill-conceived" and inserting in lieu thereof a period and the following: "The tribal governing body or designated school board shall thereafter submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children.".

25 USC 2001.

(c) Section 1121(e) is amended—

(1) by inserting "(1)" after "(e)";

(2) by striking out the second sentence thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Within two years of the initial contract for the provision of educational services under Indian Self-Determination and Education Assistance Act each such school shall (A) be in compliance with the standards prescribed under subsection (a), or (B) have obtained accreditation, or be a candidate for accreditation, with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found.

25 USC 450 note.

Contracts with U.S.

"(3) Within one year of the date of enactment of this paragraph, the Bureau shall, through contract with a national Indian organization, establish uniform fiscal control and fund accounting procedures for all contract schools. Such procedures shall yield data results comparable to those used by Bureau schools.".

(d) Section 1121(f) is amended by adding at the end thereof the following: "Failure to implement or meet such standards shall not serve as the basis for taking any personnel action against any individual if (1) the failure is related to inadequate resources (as determined under sections 1128 and 1129 of this title), and (2) the Secretary has not submitted the information required by this subsection and has not requested sufficient funds to cover the cost (as determined under such sections) of meeting such standards at the school concerned.".

Post, pp. 2394-2396.

(e) Section 1121 is further amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g)(1) Except as specifically required by statute, no school operated by the Bureau of Indian Affairs on January 1, 1984, may be closed or its program curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply.

Regulations.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing or consolidation of Bureau schools in accordance with the requirements of this subsection.

"(3) Such standards and procedures shall require that, whenever closure or consolidation of a school is under consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, designated local school board, and parents will be notified as soon as such consideration or review begins and kept fully and currently informed with respect to such consideration or review. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

Federal Register, publication.

Study.

"(4) Prior to ordering any such school closing or consolidation, the Secretary shall insure that a study is made of each Indian child's educational and (where applicable) social needs and that adequate alternative services are guaranteed. Such a study shall include a description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative of the tribe involved, and the Director of the Bureau of Indian Affairs, Office of Indian Education Programs, with regard to such child.

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Report.

"(5) Prior to taking any action to close or consolidate any such school, the Secretary shall make a full report to Congress describing the plans made (including schedules and plans for follow-up studies on the students affected), and the study and consultations undertaken pursuant to paragraph (4) of this subsection. No action may be taken in furtherance of any such proposed school closing or consolidation (including any action which would prejudice the personnel or programs of such school) until the end of the academic year following the academic year in which such report is made.".

SCHOOL BOUNDARIES

SEC. 503. Section 1124 is amended to read as follows:

25 USC 2004.

"SCHOOL BOUNDARIES

"SEC. 1124. (a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b) No attendance area shall be established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been given one year from the date of enactment of the Indian Education Amendments of 1984 to propose such boundaries. Such proposed boundaries shall be accepted unless the Secretary finds,

Ante, p. 2391.

after consultation with such body or board, that such boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the programs affected.

"(c) In any case where there is only one Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau of Indian Affairs shall include in the final rules the requirement that each superintendent for education coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries."

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

25 USC 2006.

25 USC 450 note.

SEC. 504. (a) Section 1126(b) is amended by striking the second sentence and inserting in lieu thereof the following: "All contract functions relating to education (including those pursuant to the Indian Self-Determination and Education Assistance Act) shall be supervised by the Director of the Office.".

(b) Section 1126(b) is further amended by striking out "Nothing" in the last sentence and inserting in lieu thereof "Subject to the provisions in subsection (c), nothing".

(c) Section 1126(c) is amended by striking out "and" at the end of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

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"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.".

25 USC 2006.

(d) Section 1126 is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

25 USC 2005.

"(A) for school facilities to be constructed under the system required by section 1125(c); and

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds.

"(2) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall be implemented by the Director of the Office. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau and contract schools; and

"(C) the allocation of appropriated funds from the Director of the Office directly to the agency superintendents for education, or to the area education program administrators in the case of multitribal boarding schools located off reservation.

The agency superintendents for education, or the area education program administrator in the case of multitribal boarding schools located off reservation, shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the agency superintendents for education and by the area education program administrators, except that no funds from this program may be expended or transferred by an agency superintendent for education or by an area education program administrator unless such superintendent or administrator is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The Director of the Office shall supervise all Bureau education facilities, including local Bureau housing constructed for the purpose of housing Bureau personnel at the school site.

"(4) The requirements of this subsection shall be implemented within 270 days following the date of enactment of the Indian Education Amendments of 1984.". *Ante*, p. 2391.

ALLOTMENT FORMULA

SEC. 505. (a) Section 1128(a)(2) is amended— 25 USC 2008.

(1) by striking out subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (D); and

(3) by adding at the end thereof the following new subparagraphs:

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"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel;

"(H) special programs for gifted and talented students; and

"(I) costs associated with operating education and recreational programs on a 12-month basis;".

(b) Section 1128(c) is amended by inserting "(1)" after "(c)", redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following: 25 USC 2008.

"(2) All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall, subject to appropriations, provide to all contract schools an amount for administrative and indirect costs which is at least equal to the amount which would be expended by the Secretary if such school were directly operated by the Secretary. The Secretary shall take such actions as are necessary to provide contract schools with the full amount as determined by this paragraph without reducing funds available under subsection (a) of this section.".

(c) Section 1128 is further amended by adding at the end thereof the following new subsection:

"(e) The Director of the Office shall establish a separate fund from which monetary awards and quality step increases for employees shall be paid. Such payments shall not affect school allotments under this section.".

UNIFORM DIRECT FUNDING

SEC. 506. (a) Section 1129(a) is amended— 25 USC 2009.

(1) by striking out "section 1128," and all that follows in the second sentence and inserting in lieu thereof "section 1128."; and

(2) by inserting "(1)" after "(a)" and adding at the end thereof the following:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by this section, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year. In order to effect a transition to the forward funding method of distribution described in the preceding sentence, there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations for such allotments, the first of which shall not be subject to the preceding sentence.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph— 98 STAT. 2396

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under this section of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under this section of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation governing procurement by Federal agencies, the supervisor of each school receiving funds under this section shall, subject to school board approval, have the authority to expend no more than 10 percent of the funds allotted by this section to procure supplies and equipment, with or without competitive bidding.".

25 USC 2009. (b) Section 1129(c) is amended by inserting at the end thereof the following: "The Secretary shall institute a program for funding tribal divisions of education and the development of tribal codes of education.".

APPEALS FROM ACTIONS OF SCHOOL BOARDS

SEC. 507. (a) Section 1129(b) is amended by striking out the last sentence and inserting in lieu thereof the following: "The supervisor of the school may appeal any such action of the local school board to the superintendent for education of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the action of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.".

25 USC 2011. (b) Section 1131(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.".

MANAGEMENT INFORMATION SYSTEM

SEC. 508. Section 1132 is amended— 25 USC 2012.

(1) by striking out "the Bureau," and inserting in lieu thereof "the Office,";

(2) by striking out "this Act" and inserting in lieu thereof "the Indian Education Amendments of 1984"; and

(3) by striking out "to all agency and area offices of the Bureau and".

AUDITS

SEC. 509. Section 1136 is amended by inserting "(a)" after "SEC. 1136." and by adding at the end thereof the following new subsection: 25 USC 2016.

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of the Bureau, the Office, and each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.". *Ante*, pp. 2395, 2396.

REGULATIONS

SEC. 510. Section 1138 is amended by adding at the end thereof the following: "Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.". 25 USC 2018.

VOLUNTARY SERVICES

SEC. 511. Title XI of the Education Amendments of 1978 is further amended by adding after section 1139 the following new section:

"VOLUNTARY SERVICES

"SEC. 1140. Notwithstanding section 1342 of title 31, United States Code, an officer or employee of the Bureau or the Office may, subject to the approval of the local school board concerned, accept voluntary

Government organization and employees.
25 USC 2020.

services on behalf of Bureau and contract schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.".

EMPLOYEE BENEFITS

SEC. 512. Title XI of the Education Amendments of 1978 is further amended by adding after section 1140 the following new sections:

"PRORATION OF PAY

25 USC 2021.

"SEC. 1141. (a) Notwithstanding any other provision of law, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in section 1131(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 1131 of this title or title 5, United States Code. 25 USC 2011.

"EXTRACURRICULAR ACTIVITIES

25 USC 2022.

"SEC. 1142. (a) Notwithstanding any other provision of law, the Secretary shall provide a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) The amount of such stipends shall be determined at the area level.

"(c) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(d) This section applies to all Bureau employees, whether employed under section 1131 of this title or title 5, United States Code. 25 USC 2011.

"HOUSING

25 USC 2023.

"SEC. 1143. (a) The Secretary shall continue to apply rental rates for employee housing in accordance with all applicable laws and regulations. Proceeds from rental receipts shall be used for the improvement and repair of employee quarters.

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"(b) Notwithstanding any other provision of law, the agency superintendent for education, or (for boarding schools located off-reservation) the area education program administrator, shall have the authority to waive up to 90 percent of the rental rate for educators on school-wide basis to aid the school in recruiting and retaining educators. Decisions on rent waivers will be made after consultation with the appropriate level school board and the employees. Such superintendent's or administrator's decision (as the case may be) on the need for this assistance in recruitment and retention is final and not reviewable.

"(c) During periods when schools are not in session and educators have been placed in non-pay status, all rents payable by those educators shall be waived.

"(d) For the purposes of this section the term 'educator' has the meaning contained in section 1131(n)(1) of this title. This section applies to those individuals employed under both the provisions of section 1131 of this title and title 5, United States Code.".

25 USC 2011.

EXTENSIONS OF AUTHORIZATION OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 513. (a)(1) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(1)) is amended by striking out "For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to October 1, 1983," and inserting in lieu thereof "For any fiscal year for which appropriations are authorized under section 307 of this Act,".

Infra.

(2) Section 303(a)(2)(A) of such Act is amended to read as follows:

"(2)(A) From the sums appropriated under section 307(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this title an amount which bears the same ratio to such sums as the product of (i) the number of eligible Indian children (as determined under paragraph (1)), multiplied by (ii) the average per pupil expenditure per agency (as determined under subparagraph (c)), bears to the sum of such products for all such local educational agencies.".

(3) Section 303 of such Act is further amended—

(A) by inserting "(1)" after "(b)" in subsection (b); and

(B) by striking out all after "financial assistance" in subsection (b) and inserting in lieu thereof the following:

"in accordance with the provisions of this title to schools which—

"(A) are located on or near reservations; and

"(B)(i) are not local educational agencies; or

"(ii) have not been local educational agencies for more than three years.

"(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California, Oklahoma or Alaska.".

(4) Section 305(b)(2)(B)(ii) of such Act is amended by inserting "written" before "approval of a committee".

20 USC 241dd.

(5) Section 307 of such Act is amended to read as follows:

20 USC 241ff.

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"AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS

"SEC. 307. (a) For the purpose of making payments under this title, there are authorized to be appropriated (1) for each of the fiscal years ending prior to October 1, 1986, such sums as may be necessary, and (2) for each of the fiscal years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986.

"(b) The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this title, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.".

(8) Such Act is further amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

20 USC 241aa *et seq.*

(b)(1) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a(c)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986".

(2) Section 422(c) of such Act is further amended by adding at the end thereof the following: "There is also authorized to be appropriated to carry out the provisions of this section for each of the fiscal

years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986.".

20 USC 3385b.

(3) Section 423(a) of such Act is amended—

(A) by striking out "1983" and inserting in lieu thereof "1989";

(B) by striking out "not to exceed two hundred" in the first sentence;

(C) by inserting "psychology," after "medicine," in the second sentence; and

(D) by striking out the last sentence and inserting in lieu thereof the following: "The Commissioner may, if a fellowship is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.".

(4) Section 423 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The amount that is authorized to be appropriated to carry out the provisions of this section for each of the fiscal years 1987, 1988, and 1989, is the amount appropriated for such purpose for fiscal year 1986.".

20 USC 1221g.

(5) Section 442(a) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(c) Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended—

(1) by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraphs (1) and (2), the amount that is authorized to be appropriated to under this subsection for each of the fiscal years 1987, 1988, and 1989, is the amount appropriated for such purpose for fiscal year 1986.".

(d) Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended—

(1) by striking out "October 1, 1983" and inserting in lieu

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thereof "October 1, 1986"; and

(2) by adding at the end thereof the following new sentence: "There is also authorized to be appropriated for such purpose for each of the fiscal years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986.".

20 USC 241ff note.

(e) Notwithstanding the provisions of any authorization of appropriations amended by this section, the total amount which may be appropriated pursuant to all such authorizations (amended by this section) shall not exceed $100,000,000 for fiscal year 1985.

Emergency Immigrant Education Act of 1984.

TITLE VI—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

SHORT TITLE

20 USC 4101 note.

Sec. 601. This title may be cited as the "Emergency Immigrant Education Act of 1984".

DEFINITIONS

20 USC 4101.

Sec. 602. As used in this title—

(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. 26 USC 501.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

20 USC 4102.

SEC. 603. (a) There are authorized to be appropriated to make payments to which State educational agencies are entitled under this title and payments for administration under section 604 $30,000,000 for fiscal year 1985, and $40,000,000 for fiscal year 1986 and for each of the three succeeding fiscal years.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

20 USC 4103.

SEC. 604. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

20 USC 4104.

SEC. 605. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under this title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this title, or payments by the State educational agency under this title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

20 USC 4105.

SEC. 606. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 for the purpose set forth in section 607.

Grants.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least five hundred; or

(B) at least 3 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to indiviuuals eligible for services under this title.

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(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

20 USC 4106.

SEC. 607. (a) Payments made under this title to any State may be used in accordance with applications approved under section 608 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section

606(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

20 USC 4107.

SEC. 608. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 607;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 606(b)(1), adjusted to reflect any reductions imposed pursuant to section 606(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the 98 STAT. 2405 provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

20 USC 4108. Sec. 609. (a) Except as provided in section 603(b), the Secretary shall pay to each State educational agency having an application approved under section 608 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 608(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981. 20 USC 3806.

TITLE VII—GENERAL ADMINISTRATION AND ORGANIZATION

AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

20 USC 3414. Sec. 701. (a) Section 204 of the Department of Education Organization Act (20 U.S.C. 3418) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 and by subpart 5 of part A of title IV of the Higher Education Act of 1965.".

20 USC 3473 note. (b) For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education shall be considered to be an organizational entity established by such Act and shall not be subject to the reorganizational authority of the Secretary of Education under that section or any other provision of law.

EXTENSION OF AUTHORIZATIONS UNDER THE GENERAL EDUCATION PROVISIONS ACT

Sec. 702. (a) Section 405(k)(7) of the General Education Provisions 98 STAT. 2406 Act (20 U.S.C. 1221e(k)(7)) is amended by striking out "$10,500,000 for each fiscal year ending prior to October 1, 1983" and inserting in lieu thereof "$8,000,000 for fiscal year 1985, and $10,800,000 for each succeeding fiscal year ending prior to October 1, 1989".

20 USC 1221e-1. (b) Section 406(g) of such Act (20 U.S.C. 1221-1(g)) is amended—

(1) by striking out "October 1, 1983" in paragraph (1) and inserting in lieu thereof "October 1, 1989"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The amount available for grants and contracts by the Assistant Secretary under subsection (e) shall not exceed $10,000,000 for fiscal year 1985, $12,000,000 for fiscal year 1986, $14,000,000 for fiscal year 1987, $16,000,000 for fiscal year 1988, and $18,000,000 for fiscal year 1989.".

NATIONAL INSTITUTE OF EDUCATION

SEC. 703. (a) Section 405(k)(1) of the General Education Provisions Act (20 U.S.C. 1221e(k)(1)) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by inserting after such subparagraph the following:

"(E) with respect to each State which voluntarily participates in accordance with paragraph (5), provide for a statement of information collected by the National Assessment for each such State.".

(b) Section 405(k)(3) of such Act is amended by adding at the end thereof the following: "The appropriateness of all cognitive, background, and attitude items developed as part of the National Assessment shall be the responsibility of the Assessment Policy Committee. Such items shall be subject to review by the Department of Education and the Office of Management and Budget for a single period of not more than 60 days.".

COLLECTION OF DATA

SEC. 704. (a) Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is further amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

(b) Section 406 of such Act (20 U.S.C. 1221-1) is amended— 20 USC 1221e-1.

(1) by redesignating subsection (i) as subsection (h); and

(2) by adding at the end thereof the following new subsection:

"(i) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico.".

ANNUAL EVALUATION REPORTS

SEC. 705. Section 417(a) of the General Education Provisions Act (20 U.S.C. 1226c(a)) is amended by striking out "November 1" and inserting in lieu thereof "December 31".

CONFLICT-OF-INTEREST

SEC. 706. (a) Section 435(b) of the General Education Provisions Act (20 U.S.C. 1232d(b)) is amended—

(1) by striking out "and" at the end of paragraph (6);

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(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(8) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

(b) Section 436(b) of the General Education Provisions Act (20 U.S.C. 1232e(b)) is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting after such paragraph the following new paragraph:

"(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.".

STUDENT FINANCIAL ASSISTANCE TECHNICAL AMENDMENTS ACT OF 1982

SEC. 707. The Student Financial Assistance Technical Amendments Act of 1982 is amended—

20 USC 1070a note. (1) in section 3(a), by striking out "and 1984-1985" and inserting in lieu thereof ", 1984-1985, 1985-1986, and 1986-1987";

20 USC 1070a note. (2) in section 3(b), by striking out "year 1984-1985" and inserting in lieu thereof "years 1984-1985, 1985-1986, and 1986-1987";

20 USC 1070a note, 1089 note. (3) by striking out "and 1985-1986" each place it appears in sections 4, 5(a), 5(b)(1), 5(c), and 6 and inserting in lieu thereof ", 1985-1986, and 1986-1987";

20 USC 1070a note. (4) in section 5(b)(2), by striking out "and" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof "; and", and by inserting after clause (B) the following new clause:

"(C) for the period from October 1, 1983, through September 30, 1984, and the arithmetic mean of such index for the period from October 1, 1984, through September 30, 1985, in the case of academic year 1986-1987.";

20 USC 1070a note. (5) in section 5(b)(3), by striking out "and immediately" and inserting in lieu thereof ", immediately" and by inserting before the period at the end thereof a comma and the following: "and immediately after such publication for September 1985 (with respect to academic year 1986-1987)";

20 USC 1070a note. (6) in section 5(d), by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(3) not later than April 1, 1985, for academic year 1986-1987.";

20 USC 1078 note. (7) in section 9(a), by inserting "and from July 1, 1986, through June 30, 1987," after "June 30, 1986,"; and

20 USC 1078 note. (8) in section 9(c), by striking out "and" at the end of paragraph (2), by striking out the comma at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

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"(4) April 1, 1986, for the period of instruction from July 1, 1986, through June 30, 1987,".

EFFECTIVE DATE AMENDMENT

20 USC 3804 note. SEC. 708. Section 25(b) of Public Law 98-211 (97 Stat. 1419) is amended by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984".

EDUCATION AMENDMENTS OF 1978: ASSISTANCE TO TERRITORIES

92 Stat. 2379. SEC. 709. (a) Sections 1524 and 1525 of the Education Amendments of 1978 are each amended by striking out "1979" and inserting in lieu thereof "1985".

(b) No funds in excess of $5,000,000 are authorized to be appropriated for fiscal year 1985 to carry out the provision of such sections.

CONTRACT AUTHORITY

20 USC 2701 note. SEC. 710. Any authority to make payments or to enter into

contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

SEC. 711. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act or October 1, 1984, whichever occurs later. 20 USC 2701 note.

(b) The amendments made by title I of this Act shall take effect on July 1, 1985.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2496 (H.R. 11):

HOUSE REPORTS: No. 98-748 accompanying H.R. 11 (Comm. on Education and Labor) and No. 98-1128 (Comm. of Conference).
SENATE REPORT No. 98-503 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 28, considered and passed Senate.
July 26, H.R. 11 considered and passed House; S. 2496, amended, passed in lieu.
Oct. 3, Senate agreed to conference report.
Oct. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct. 19, Presidential statement.

Public Law 98-524
98th Congress

98 STAT. 2435

An Act

To amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes.

Oct. 19, 1984
[H.R. 4164]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of December 18, 1963 (Public Law 88-210) is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Carl D. Perkins Vocational Education Act. 20 USC 2301 note.

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. This Act may be cited as the 'Carl D. Perkins Vocational Education Act'.

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"STATEMENT OF PURPOSE

"Sec. 2. It is the purpose of this Act to— 20 USC 2301.

"(1) assist the States to expand, improve, modernize, and develop quality vocational education programs in order to meet the needs of the Nation's existing and future work force for marketable skills and to improve productivity and promote economic growth;

"(2) assure that individuals who are inadequately served under vocational education programs are assured access to quality vocational education programs, especially individuals who are disadvantaged, who are handicapped, men and women who are entering nontraditional occupations, adults who are in need of training and retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

"(3) promote greater cooperation between public agencies and the private sector in preparing individuals for employment, in promoting the quality of vocational education in the States, and in making the vocational system more responsive to the labor market in the States;

"(4) improve the academic foundations of vocational students and to aid in the application of newer technologies (including the use of computers) in terms of employment or occupational goals;

"(5) provide vocational education services to train, retrain, and upgrade employed and unemployed workers in new skills for which there is a demand in that State or employment market;

"(6) assist the most economically depressed areas of a State to raise employment and occupational competencies of its citizens;

"(7) to assist the State to utilize a full range of supportive services, special programs, and guidance counseling and placement to achieve the basic purposes of this Act;

"(8) improve the effectiveness of consumer and homemaking education and to reduce the limiting effects of sex-role stereotyping on occupations, job skills, levels of competency, and careers; and

"(9) authorize national programs designed to meet designated vocational education needs and to strengthen the vocational education research process.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 3. (a) There are authorized to be appropriated $835,300,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 to carry out the provisions of titles I (other than section 112), II, and IV (other than part E) of this Act. 20 USC 2302.

Post, pp. 2438, 2443, 2450, 2447.

"(b)(1) There are authorized to be appropriated $15,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 to carry out part A of title III, *Post*, p. 2457. relating to State assistance for vocational education support programs by community-based organizations.

98 STAT. 2438

"(2) There are authorized to be appropriated $32,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 to carry out part B of title III relating to consumer and homemaking education. *Post*, p. 2458.

"(3)(A) There are authorized to be appropriated $35,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 to carry out part C of title III, relating to adult training, retraining, and employment development. *Post*, p. 2459.

"(B) Of the amount appropriated in each fiscal year pursuant to subparagraph (A) 50 percent shall be available in each fiscal year for the purpose described in section 201(b)(4), except that the amount made available by this subparagraph for fiscal years 1986 through 1989 shall not exceed $30,000,000 in any fiscal year. *Post*, p. 2450.

"(4) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 to carry out part D of title III, relating to career guidance and counseling. *Post*, p. 2462.

"(5) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 and such sums as may be necessary for fiscal years 1986 through 1989 to carry out part E of title III, relating to industry-education partnerships for training in high-technology occupations. *Post*, p. 2463.

"(c) There are authorized to be appropriated $8,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the fiscal years 1986 through 1989 for section 112 of title I, relating to State councils on vocational education. *Post*, p. 2443.

"(d) There are authorized to be appropriated $3,700,000 for the fiscal year 1985 and such sums as may be necessary for the fiscal years 1986 through 1989 to carry out part E of title IV, relating to bilingual vocational training programs. *Post*, p. 2477.

"(e) From the funds appropriated pursuant to subsection (a) for each fiscal year, 2 percent shall be available to carry out the provisions of title IV (other than part E), relating to national programs. *Post*, pp. 2466, 2477.

"TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"ALLOTMENT

20 USC 2311. *Ante*, p. 2437. *Post*, p. 2466. *Post*, p. 2477. *Post*, p. 2440.

"SEC. 101. (a)(1) From the sums appropriated pursuant to section 3(a), the Secretary shall reserve—

"(A) 2 percent for the activities described in title IV (other than part E); and

"(B) 1½ percent for the purpose of carrying out section 103 of which (i) 1¼ percent shall be for the purposes of section 103(b) and (ii) ¼ percent shall be for the purposes of section 103(c).

"(2) Subject to the provisions of paragraph (3), from the remainder of the sums appropriated pursuant to sections 3(a) and 3(b), the Secretary shall allot to each State for each fiscal year— *Ante*, p. 2437.

"(A) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged fifteen to nineteen inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

98 STAT. 2439

"(B) an amount which bears the same ratio to 20 percent of the sums being allotted as the product of the population aged twenty to twenty-four, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

"(C) an amount which bears the same ratio to 15 percent of the sums being allotted as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

"(D) an amount which bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under clauses (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under clauses (A), (B), and (C) for such year.

"(3)(A) No State shall receive in any fiscal year less than the total amount of payments made to the State under allotments determined under the Vocational Education Act of 1963 for fiscal year 1984. Any amounts necessary for increasing the sum of the allotments of certain States to comply with the preceding sentence shall be obtained by ratably reducing the sums of the allotments of the other States, but no such sum shall be thereby reduced to an amount which is less than the total amount of payments made to the State under allotments determined under that Act for fiscal year 1984.

20 USC 2301 note.

"(B) In any fiscal year in which the amounts appropriated and available for allotments under this section exceeds the amounts so available for fiscal year 1984, and subject to the application of subparagraph (A), no State shall receive less than one-half of one percent of the amount available under this subsection for each such fiscal year except that in the case of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands the minimum allotment shall be $200,000.

"(C) No State shall, by reason of the application of the provisions of subparagraph (B) of this paragraph, be allotted more than 150 percent of the allotment of that State in the fiscal year preceding the fiscal year for which the determination is made.

"(D) For the purpose of this paragraph, the term 'State' does not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(b) If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which they were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

Regulation.

Prohibition.

98 STAT. 2440

"(c)(1) The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam. American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40 and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

"(2) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department.

"WITHIN STATE ALLOCATION

20 USC 2312.

"SEC. 102. (a) Each State shall allocate from its allotment in each fiscal year—

Post, p. 2450.
Post, p. 2455.

"(1) 57 percent for activities described in part A of title II, and

"(2) 43 percent for activities described in part B of title II.

Post, p. 2445.
Post, p. 2441.

"(b) Each State, from the portion of its allotment available for statewide activities under section 113(b), shall allocate not to exceed 7 percent of the allotment of the State for administrative expenses or if the cost of carrying out the provision of section 111(b)(1) exceeds 1 percent of the allotment, the limitation under this subsection shall be 7 percent plus the excess costs.

"INDIAN AND HAWAIIAN NATIVES PROGRAMS

20 USC 2313.

"SEC. 103. (a)(1) For the purpose of this section—

"(A) the term 'Act of April 16, 1934' means the Act entitled 'An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457); and

"(B) the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"(2) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary shall enter into contracts for Indian and Hawaiian native programs in accordance with the provisions of this section.

98 STAT. 2441

25 USC 450 note.
25 USC 452-457.
25 USC 450f.
25 USC 455-457.
Ante, p. 2438.

"(b)(1) From the funds reserved pursuant to section 101(a)(1)(B)(i), the Secretary is directed, upon the request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, to enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this Act, except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this sentence. From any remaining funds reserved pursuant to section 101(a)(1)(B) and available for this subsection, the Secretary is authorized to enter into an agreement with the Assistant Secretary of the Interior for Indian Affairs for the operation of vocational education programs authorized by this Act in institutions serving Indians eligible to receive educational benefits as Indians from the Bureau of Indian Affairs, and the Secretary of the Interior is authorized to receive the funds for the purposes described in this paragraph.

"(2) The Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities administered either directly by, or under contract with, the Bureau of Indian Affairs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

"(3) Programs funded under this subsection shall be in addition to such other programs, services, and activities as are made available to eligible Indians under other provisions of this Act. *Ante*, p. 2435.

"(4) For the purposes of this Act, the Bureau of Indian Affairs shall be deemed to be a State board; and all the provisions of this Act shall be applicable to the Bureau as if it were a State board.

"(c) From the funds reserved pursuant to section 101(a)(1)(B)(ii), *Ante*, p. 2438. the Secretary is directed, to enter into contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Hawaiian natives.

"PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

"STATE ADMINISTRATION

"SEC. 111. (a)(1) Any State desiring to participate in the vocational education program authorized by this Act shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The responsibilities of the State board shall include— 20 USC 2321.

98 STAT. 2442

"(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this Act pursuant to section 113(b)(9); and *Ante*, p. 2435. *Post*, p. 2445.

"(B) the development, in consultation with the State council on vocational education, and the submission to the Secretary, of the State plan required by section 113 and by section 114; *Post*, p. 2449.

"(C) consultation with the State council established pursuant to section 112, and other appropriate agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs funded under this Act; *Post*, p. 2443.

"(D) convening and meeting as a State board (consistent with State law and procedure for the conduct of such meetings) at such time as the State board determines necessary to carry out its functions under this Act, but not less than four times annually; and

"(E) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordinating council to encourage cooperation in the conduct of their respective programs.

Except with respect to the functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

"(2) Each State shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

"(b)(1) Any State desiring to participate in the programs author- Women.

ized by this Act shall assign one individual within the appropriate agency established or designated by the State board under the last sentence of subsection (a)(1) to administer vocational education programs within the State, to work full time to assist the State board to fulfill the purposes of this Act by—

Post, p. 2450.

"(A) administering the program of vocational education for single parents and homemakers described in section 201(f) and the sex equity program described in section 201(g);

"(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

"(C) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations, and submitting (i) recommendations for inclusion in the State plan of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

"(D) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

98 STAT. 2443

"(E) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

"(F) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women; and

"(G) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs.

"(2) For the purpose of this subsection, the term 'State' means any one of the fifty States and the District of Columbia.

"(3) Each State shall expend not less than $60,000 in each fiscal year to carry out the provisions of this subsection.

"(c) The State board shall make available to each private industry council established under section 102 of the Job Training Partnership Act within the State a listing of all programs assisted under this Act.

29 USC 1512.
Ante, p. 2435.

"(d) Each State board, in consultation with the State council, shall establish a limited number of technical committees to advise the council and the board on the development of model curricula to address State labor market needs. Technical committees shall develop an inventory of skills that may be used by the State board to define state-of-the-art model curricula. Such inventory will provide the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State. The State board shall establish procedures for membership, operation, and duration of such committees consistent with the purposes of this Act. The membership shall be representatives of (1) employers from any relevant industry or occupation for which the committee is established; (2) trade or professional organizations representing any relevant occupations; and (3) organized labor, where appropriate.

"(e) The imposition of any State rule or policy relating to the administration and operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

"STATE COUNCIL ON VOCATIONAL EDUCATION

Establishment.
29 USC 2322.

"SEC. 112. (a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board. Each State council shall be composed of 13 individuals, and shall be broadly representative of citizens and groups within the State having an interest in vocational education. Each State council shall consist of—

"(1) seven individuals who are representative of the private sector in the State who shall constitute a majority of the membership—

98 STAT. 2444

"(A) five of whom shall be representative of business, industry, and agriculture including—

"(i) one member who is representative of small business concerns; and

"(ii) one member who is a private sector member of the State job training coordinating council (established pursuant to section 122 of the Job Training Partnership Act), and 29 USC 1532.

"(B) two of whom shall be representatives of labor organizations;

"(2) six individuals who are representative of secondary and postsecondary vocational institutions (equitably distributed among such institutions), career guidance and counseling organizations within the State, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and of whom one member shall be representative of special education.

In selecting individuals under subsection (a) to serve on the State council, due consideration shall be given to the appointment of individuals who serve on a private industry council under the Job Training Partnership Act, or on State councils established under other related Federal Acts. 29 USC 1501 note.

"(b) The State shall certify the establishment and membership of the State council at least 90 days prior to the beginning of each planning period described in section 113(a)(1). *Post*, p. 2445.

"(c) Each State council shall meet as soon as practical after certification has been accepted by the Secretary and shall select from among its membership a chairperson who shall be representative of the private sector. The time, place, and manner of meeting, as well as council operating procedures and staffing, shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

"(d) Each State council shall—

"(1) meet with the State board or its representatives during the planning year to advise on the development of the State plan;

"(2) advise the State board and make reports to the Governor, the business community, and general public of the State, concerning—

"(A) policies the State should pursue to strengthen vocational education (with particular attention to programs for the handicapped); and

"(B) initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

"(3) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

"(4) furnish consultation to the State board on the establishment of evaluation criteria for vocational education programs within the State;

98 STAT. 2445

"(5) submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

Ante, p. 2435.

"(6) assess the distribution of financial assistance furnished under this Act, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

"(7) recommend procedures to the State board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

Post, p. 2450.

"(8) report to the State board on the extent to which the individuals described in section 201(b) are provided with equal access to quality vocational education programs; and

29 USC 1501 note.

"(9)(A) evaluate at least once every two years (i) the vocational education program delivery systems assisted under this Act, and under the Job Training Partnership Act, in terms of their adequacy and effectiveness in achieving the purposes of each of the two Acts and (ii) make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act and (B) advise the Governor, the State board, the State job training coordinating council, the Secretary, and the Secretary of Labor of these findings and recommendations.

Contracts with U.S.

"(e) Each State council is authorized to obtain the services of such professional, technical, and clerical, personnel as may be necessary to enable it to carry out its functions under this Act and to contract for such services as may be necessary to enable the Council to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals.

Grants.
Ante, p. 2437.
Ante, p. 2438.

"(f)(1)(A) From the amounts appropriated pursuant to section 3(c) the Secretary shall make grants to State councils from amounts allotted to State councils in accordance with the method for allotment contained in section 101(a)(2), without regard to paragraph (3), except that no State council shall be allotted less than $120,000 nor more than $225,000 for each fiscal year.

"(B) For the purpose of subparagraph (A), the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The expenditure of the funds paid pursuant to this subsection is to be determined solely by the State council for carrying out its functions under this Act, and may not be diverted or reprogramed for any other purpose by any State board, agency, or individual. Each State council shall designate an appropriate State agency or other public agency, eligible to receive funds under this Act, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

"STATE PLANS

20 USC 2323.

"SEC. 113. (a)(1)(A) Any State desiring to receive funds from its allotment for any fiscal year shall submit to the Secretary a State plan for a three-year period in the case of the initial plan and a 2-year period thereafter, together with such annual revisions as the State board determines to be necessary.

98 STAT. 2446

"(B) The planning periods required by paragraph (1) of this subsection shall be coterminous with the planning program periods required under section 104(a) of the Job Training Partnership Act. 29 USC 1514.

"(2)(A) In formulating the State plan (and amendments thereto) the State board shall meet with and utilize the State council, established pursuant to section 112 of this Act. *Ante*, p. 2443.

"(B) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the State board's response shall be included with the State plan.

"(3) In developing the State plan, the State shall—

"(A) assess the current and projected occupational needs and the current and projected demand for general occupational skills within the State;

"(B) examine the needs of students, including adults, in order to determine how best to improve student skill levels in light of the State's occupational and skill requirements;

"(C) assess the special needs of groups of individuals specified in section 201(b) for access to vocational education and vocational services in terms of labor market needs; *Post*, p. 2450.

"(D) assess the quality of vocational education in terms of—

"(i) the pertinence of programs to the workplace and to new and emerging technologies,

"(ii) the responsiveness of programs to the current and projected occupational needs in the State,

"(iii) the capacity of programs to facilitate entry into, and participation in, vocational education and to ease the school-to-work and secondary-to-postsecondary transition,

"(iv) the technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students and instructors to meet the challenges of increased technological demands of the workplace; and

"(v) the capability of vocational education programs to meet the needs for general occupational skills and improvement of academic foundations in order to address the changing content of jobs;

"(E) determine the capacity of local educational agencies, with respect to secondary education and postsecondary educational institutions, to deliver the vocational education services necessary to meet the needs identified through the assessments required by clauses (A) through (D) of this paragraph; and

"(F) determine, for each fiscal year, how the services and activities supported by funds furnished under this Act may be expected to assist the State in meeting the needs identified through the assessments required by clauses (A) through (D) of this paragraph. *Ante*, p. 2435.

"(b) Each such plan shall—

"(1) provide assurances that, and where necessary a description of the manner in which, the State board will comply with the requirements of titles I, II, III, and V of this Act, including— *Ante*, p. 2438; *post*, pp. 2450, 2457, 2479.

"(A) a description of the manner in which the State will comply with the criteria required for programs for the handicapped and for the disadvantaged prescribed by section 204; *Post*, p. 2454.

98 STAT. 2447

"(B) assurances that the State will comply with the distribution of assistance requirements contained in section 203; and *Post*, p. 2453.

"(C) assurances that, to the extent consistent with the

Post, p. 2450.
Post, p. 2450.

number and location of individuals described in clauses (1) and (2) of section 201(b) in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such individuals in the vocational education program assisted under part A of title II of this Act;

Ante, p. 2445.

"(2) set forth the planned uses of Federal funds available for vocational education for each fiscal year for which the plan is submitted and describe how the State did carry out the provisions of section 113(a)(3);

"(3) describe progress the State has made in achieving the goals set forth in each State plan subsequent to the initial State plan;

Post, pp. 2450, 2455.
Post, p. 2452.
Post, p. 2453.

"(4) provide assurances that the State will distribute at least 80 percent of the funds made available for parts A and B of title II to eligible recipients, or combination of eligible recipients, except that the State will distribute 100 percent of the funds available for clauses (1) and (2) of section 202, relating to the disadvantaged and the handicapped, to eligible recipients in accordance with section 203(a);

Ante, p. 2435.

"(5) set forth the criteria the State board will use in approving applications of eligible recipients and allocating funds made available under this Act to such recipients, which shall ensure that States will allocate more Federal funds to eligible recipients in units of local government which are economically depressed (including both urban and rural units) or which have high unemployment, as determined by the State;

"(6) provide such methods of administration as are necessary for the proper and efficient administration of the Act;

Post, p. 2450.

"(7) provide assurances that, in the use of funds available for single parents and homemakers under section 201(b)(3), that the State will emphasize assisting individuals with the greatest financial need, and that in serving homemakers the State will give special consideration to homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;

"(8) provide assurances that the State will furnish relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionally associated with their sex;

"(9)(A) provide assurances that the State will develop measures for the effectiveness of programs assisted under this Act in meeting the needs identified in the State plan, including evaluative measurements such as—

"(i) the occupations to be trained for, which will reflect a realistic assessment of the labor market needs of the State;

"(ii) the levels of skills to be achieved in particular occupations, which will reflect the hiring needs of employers; and

"(iii) the basic employment competencies to be used in performance outcomes, which will reflect the hiring needs of employers;

98 STAT. 2448

Ante, p. 2435.

"(B) the State will, as a component of the measures under subclause (A) of this clause, establish appropriate measures for evaluating the effectiveness of programs for the handicapped assisted under this Act; and

"(C) provide assurances that the State will evaluate not less than 20 percent of the eligible recipients assisted within the State in each fiscal year;

29 USC 1501 note.
20 USC 1201 note.

"(10) describe the methods proposed for the joint planning and coordination of programs carried out under this Act with programs conducted under the Job Training Partnership Act, the Adult Education Act, title I of the Elementary and Secondary Education Act of 1965 as modified by chapter 1 of the Education

Consolidation and Improvement Act, the Education of the Handicapped Act, and the Rehabilitation Act of 1973, and with apprenticeship training programs; 20 USC 2701. 20 USC 3801-3807. 20 USC 1400. 29 USC 701 note.

"(11) that programs of personnel development, and curriculum development shall be funded to further the goals identified in the State plan;

"(12) provide assurances that the vocational education needs of those identifiable segments of the population in the State that have the highest rates of unemployment have been thoroughly assessed, and that such needs are reflected in and addressed by the State plan;

"(13) provide assurances that the State board will cooperate with the State council on vocational education in carrying out its duties under this part;

"(14) provide assurance that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization;

"(15) provide assurances that for each fiscal year, expenditures for career guidance and counseling from allotments for title II and part D of title III will not be less than the expenditures for such guidance and counseling in the State for the fiscal year 1984 assisted under section 134(a) of the Vocational Education Act of 1963; *Post*, pp. 2450, 2462. 20 USC 2354.

"(16) provide assurances that Federal funds made available under this Act will be used so as to supplement, and to the extent practicable increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the State plan, and in no case supplant such State or local funds; and

"(17) provide assurances that the State will provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act).

"(c)(1) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State council, shall submit amendments to such State plan to the Secretary. Any such amendments shall be subject to review by the State job training coordinating council, and the State council.

"(2) The Secretary shall approve, within sixty days of submission, the State plan amendments which meet the requirements of this 98 STAT. 2449 section, unless such amendments propose changes that are inconsistent with the requirements and purposes of this Act. The Secretary shall not finally disapprove such amendments except after giving reasonable notice and an opportunity for a hearing to the State board.

"APPROVAL

"SEC. 114. (a)(1) Each State plan shall, not less than 60 days before the plan is to be submitted to the Secretary, be furnished to the State legislature and the State job training coordinating council of the State under section 122 of the Job Training Partnership Act for review and comment. If the matters covered by the comments of the State legislature and the State job training coordinating council are not covered by the State plan, the State shall submit the comments with the State plan to the Secretary. 20 USC 2324. 29 USC 1532.

"(2) If the State legislature is not in session during the period described in paragraph (1), the State board shall submit the plan for review and comment to the next meeting of the State legislature and forward the comments of the State legislature to the Secretary when the comments are received.

"(b)(1) Each State plan shall be submitted to the State council on vocational education for review and comment not later than 60 days prior to the submission of the plan to the Secretary.

"(2) If the State council finds that the final State plan is objectionable for any reason, including that it does not meet the labor market needs of the State, the State council shall file its objections with the State board. The State board shall respond to any objections of the State council in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.

Ante, p. 2445.

"(c)(1) The Secretary shall provide technical assistance and guidance to the States in order to assist the States to fulfill the requirements of section 113(a)(3).

"(2)(A) Each State plan shall be submitted to the Secretary by May 1 preceding the beginning of the first fiscal year for which such plan is to be in effect. The Secretary shall approve, within sixty days, each such plan which meets the requirements of section 113, and shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.

20 USC 1232d.

"(B) The document submitted under subparagraph (A) shall be considered to be the general application required to be submitted by the State for funds received under this Act for purposes of the provisions of section 435 of the General Education Provisions Act.

"LOCAL APPLICATION

20 USC 2325.

"SEC. 115. (a) Except as provided in subsection (c), any eligible recipient desiring to receive assistance under this Act shall, according to requirements established by the State board, submit to the State board an application, covering the same period as the State plan, for the use of such assistance. The State board shall determine requirements for local applications (and amendments thereto), except that each such application shall—

98 STAT. 2450

"(1) set forth the vocational education programs, services, and activities proposed to be funded; and

29 USC 1501 note.
20 USC 1201 note.
Public inspection.

"(2) describe the coordination with relevant programs conducted under the Job Training Partnership Act and the Adult Education Act, to avoid duplication.

"(b) Each such local application shall be available for review and comment by interested parties, including the appropriate administrative entity under the Job Training Partnership Act.

"(c)(1) Eligible recipients providing relatively few vocational education programs, services, and activities funded with limited total Federal and State funds may, as determined by the State board, be exempt from the requirements of subsection (a) or (b) or both.

"(2) Each State board shall identify in its State plan the appropriate criteria for determining such exemptions.

"TITLE II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

"PART A—VOCATIONAL EDUCATION OPPORTUNITIES

"USES OF FUNDS

20 USC 2331.
Ante, p. 2438.

"SEC. 201. (a) From the portion of the allotment of each State under section 101 available for this part, each State shall provide vocational education services and activities designed to meet the special needs of groups of individuals specified in subsection (b).

"(b) To meet the needs identified in the State plan, each State shall use the portion of its allotment available for this part in any fiscal year to provide vocational education services and activities designed to meet the special needs of, and to enhance the participation of—

"(1) handicapped individuals;

"(2) disadvantaged individuals;

"(3) adults who are in need of training and retraining;

"(4) individuals who are single parents or homemakers;

"(5) individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education; and

"(6) criminal offenders who are serving in a correctional institution.

"(c)(1) Each State shall use the portion of its allotment available for this part in any fiscal year for handicapped individuals only for the Federal share of expenditures limited to supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for handicapped individuals to participate in vocational education. If the conditions of handicapped students require a separate program, each State may use such funds for the Federal share of the costs of the services and activities in separate vocational education programs for handicapped individuals which exceed the average average per-pupil expenditures for regular services and activities of the eligible recipient.

"(2) Each State shall use the portion of its allotment available for this part in any fiscal year for disadvantaged individuals only for the Federal share of expenditures limited to supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for disadvantaged individuals to participate in vocational education. If the conditions of disadvantaged individuals require a separate program, each State may use such funds for the Federal share of the costs of the services and activities in separate vocational education programs for disadvantaged individuals which exceed the average per-pupil expenditures for regular services and activities of the eligible recipient. 98 STAT. 2451

"(d)(1) Each State may use the portion of its allotment available for this part for any fiscal year for the improvement of vocational education services and activities designed to provide equal access to quality vocational education to disadvantaged individuals, the costs of services and activities which apply the latest technological advances to courses of instruction, and, subject to the provisions of paragraph (2), the acquisition of modern machinery and tools.

"(2) Funds available to each recipient under this part for the disadvantaged may be expended for the acquisition of modern machinery and tools in schools at which at least 75 percent of the students enrolled are economically disadvantaged.

"(e)(1) Each State shall use the portion of its allotment available for this part to provide, improve, and expand adult and postsecondary vocational education services and activities to train and retrain adults.

"(2) Funds used for the purpose described in subsection (a) may be used for services and activities developed in coordination with the State agency administering title III of the Job Training Partnership Act. 29 USC 1651.

"(3) Funds for services and activities under this section may be used for—

"(A) additional training under title III of the Job Training Partnership Act;

"(B) vocational education programs for training or retraining adults, including programs for older individuals and displaced homemakers;

"(C) the costs of serving adults in other vocational education programs, including paying the costs of instruction or the costs of keeping school facilities open longer;

"(D) individuals who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

"(E) individuals who have already entered the labor market, or have completed or left high school, and who are not described in clause (D).

"(f) Each State may only use the portion of its allotment available for this part to—

"(1) provide, subsidize, reimburse or pay for vocational education and training activities, including basic literacy instruction and necessary educational materials, that will furnish single parents and homemakers with marketable skills;

"(2) make grants to eligible recipients for expanding vocational education services when this expansion directly increases the eligible recipients' capacity for providing single parents and homemakers with marketable skills;

"(3) make grants to community-based organizations for the provision of vocational education services to single parents and homemakers, if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents and homemakers, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training and the characteristics of the participants;

"(4) make vocational education and training more accessible to single parents and homemakers by assisting them with child care or transportation services or by organizing and scheduling the programs so that such programs are more accessible; or

"(5) provide information to single parents and homemakers to inform them of vocational education programs and related support services.

Infra.

"(g) That portion of the allotment described in section 202(5) shall be available for—

"(1) programs, services, and activities to eliminate sex bias and stereotyping in secondary and postsecondary vocational education;

"(2) vocational education programs, services, and activities for girls and women, aged 14 through 25, designed to enable the participants to support themselves and their families; and

"(3) support services for individuals participating in vocational education programs, services, and activities described in clauses (1) and (2) including dependent-care services and transportation.

Ante, p. 2441.

The requirement with respect to age limitations contained in clause (2) of subsection (a) may be waived whenever the individual described in section 111(b)(1) determines that the waiver is essential to meet the objectives of this section.

"(h)(1) Each State may use the portion of its allotment available for this part in any fiscal year for basic skills instruction for vocational education students and related to their instructional program whenever the State board determines that such instruction is necessary to carry out the purposes described in subsection (b) of this section.

"(2) Each State may use the portion of its allotment available for this part in any fiscal year for the provision of educational training through arrangements with private vocational training institutions, private postsecondary educational institutions, and employers whenever such institutions or employers can make a significant contribution to obtaining the objectives of the State plan and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions.

"(i)(1) Vocational education services and activities described in subsection (b) shall, to the extent practicable, include work-site programs such as cooperative vocational education, work-study, and apprenticeship programs.

"(2) Vocational education services and activities described in subsection (b) may include placement services for students who have successfully completed vocational education programs.

"DISTRIBUTION OF ASSISTANCE

"SEC. 202. From the portion of the allotment of each State available for this part for each fiscal year— 20 USC 2332.

Handicapped persons.

"(1) 10 percent of the funds available for this title shall be available for handicapped individuals;

Disadvantaged persons

"(2) 22 percent of such funds shall be available for disadvantaged individuals;

"(3) 12 percent of such funds shall be available for adults who are in need of training and retraining;

98 STAT. 2453

"(4) 8.5 percent of such funds shall be available for individuals who are single parents and homemakers;

"(5) 3.5 percent of such funds shall be available for individuals who are participants in programs designed to eliminate sex bias and stereotyping in vocational education; and

"(6) 1 percent of such funds shall be made available for criminal offenders who are in correctional institutions.

"WITHIN STATE ALLOCATION

"SEC. 203. (a)(1)(A) The State board shall allocate the 10 percent of the amount allotted to the State and available for this title for vocational education services and activities for the handicapped to eligible recipients in accordance with the provisions of this paragraph. 20 USC 2333.

"(B) Of the amount allocated under this paragraph—

Disadvantaged persons.

"(i) 50 percent of such amount shall be allocated to eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in each eligible recipient in the fiscal year preceding the fiscal year in which the determination is made to the total number of such individuals enrolled in all eligible recipients within the State in such year; and

Handicapped persons.

"(ii) 50 percent shall be allocated on the basis of the relative number of handicapped students served in vocational education programs by each eligible recipient within the State in the fiscal year preceding the fiscal year for which the determination is made as compared to the total number of such individuals served by all eligible recipients within the State in such year.

"(2)(A) The State board shall allocate the 22 percent of the amount allotted to the State and available for this title for vocational education services and activities for the disadvantaged to eligible recipients in accordance with the provisions of this paragraph.

"(B) Of the amount allocated under this paragraph—

Disadvantaged persons.

"(i) 50 percent of such amount shall be allocated to eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in each eligible recipient in the fiscal year preceding the fiscal year in which the determination is made compared to the total number of such individuals enrolled in all eligible recipients within the State in such year; and

"(ii) 50 percent shall be allocated on the basis of the relative number of disadvantaged individuals and individuals with limited English proficiency served in vocational education programs by each eligible recipient within the State in the fiscal year preceding the fiscal year for which the determination is made as compared to the total number of such individuals served by all eligible recipients within the State in such year.

"(3) The State board shall assure that sums allocated among eligible recipients pursuant to this subsection shall be used by an eligible recipient for vocational education services and activities for individuals with limited English proficiency in the same proportion as the number of individuals with limited English proficiency served by each eligible recipient within the State in the fiscal year preceding the fiscal year for which the determination is made bears to the population of the State in that year.

98 STAT. 2454

"(4) Each local educational agency shall use, to the extent feasible, community-based organizations of demonstrated effectiveness, in addition to other eligible recipients, for the use of funds available under this part in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students, or in which the local educational agency determines that the community-based organization can better serve disadvantaged students.

"(5) Each local educational agency is authorized to use funds allocated under paragraph (1) of this subsection for joint projects with one or more other local educational agencies.

"(b) The State board may encourage any eligible recipient within the State which is eligible to receive a grant under this part which is $1,000 or less in any fiscal year to operate programs jointly with another eligible recipient.

"(c) The State board shall establish criteria for the distribution of the remaining amount of the allotment of the State available for this part to eligible recipients and to community-based organizations pursuant to section 201(c)(3) within the State for the purposes described in clauses (3), (4), (5), and (6) of section 202.

Ante, p. 2450.
Ante, p. 2452.

"CRITERIA FOR SERVICES AND ACTIVITIES FOR THE HANDICAPPED AND FOR THE DISADVANTAGED

20 USC 2334.
Ante, p. 2453.

"SEC. 204. (a) The State board shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide assurances that—

"(1) equal access will be provided to handicapped and disadvantaged individuals in recruitment, enrollment, and placement activities;

"(2) equal access will be provided to handicapped and disadvantaged individuals to the full range of vocational programs available to nonhandicapped and nondisadvantaged individuals, including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

"(3)(A) vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education plan required under section 612(4) and section 614(a)(5) of such Act; and

20 USC 1412.
20 USC 1414.

"(B) vocational education planning for handicapped individuals will be coordinated between appropriate representatives of vocational education and special education.

Ante, p. 2453.

"(b) Each local educational agency shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide information to handicapped and disadvantaged students and parents of such students concerning the opportunities available in vocational education at least one year before the students enter the grade level in which vocational education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, together with the requirements for eligibility for enrollment in such vocational education programs.

98 STAT. 2455

"(c) Each student who enrolls in vocational education programs and to whom subsection (b) applies shall receive—

"(1) assessment of the interests, abilities, and special needs of such student with respect to completing successfully the vocational education program;

"(2) special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs described in clause (1);

"(3) guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

"(4) counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

"PART B—VOCATIONAL EDUCATION PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

"USES OF FUNDS

"SEC. 251. (a) From the portion of the allotment of each State under section 101 available for this part from amounts appropriated pursuant to section 3(a) for each fiscal year, each State may use funds so available to meet the needs identified in the State plan for— 20 USC 2341. *Ante*, p. 2438. *Ante*, p. 2437.

"(1) the improvement of vocational education programs within the State designed to improve the quality of vocational education, including high-technology programs involving an industry-education partnership as described in part D of title III, apprenticeship training programs, and the provision of technical assistance; *Post*, p. 2462.

"(2) the expansion of vocational education activities necessary to meet student needs and the introduction of new vocational education programs, particularly in economically depressed urban and rural areas of the State;

"(3) the introduction of new vocational education programs, particularly in economically depressed urban and rural areas;

"(4) the creation or expansion of programs to train workers in skilled occupations needed to revitalize businesses and industries or to promote the entry of new businesses and industries into a State or community;

"(5) exemplary and innovative programs which stress new and emerging technologies and which are designed to strengthen vocational education services and activities;

"(6) the improvement and expansion of postsecondary and adult vocational education programs and related services for out-of-school youth and adults, which may include upgrading the skills of (A) employed workers, (B) workers who are unemployed or threatened with unemployment as a result of technological change or industrial dislocation, (C) workers with limited English proficiency, and (D) displaced homemakers and single heads of households;

"(7) the improvement and expansion of career counseling and guidance authorized by part D of title III;

"(8) programs relating to curriculum development in vocational education within the State, including the application of basic skills training;

98 STAT. 2456

"(9) the expansion and improvement of programs at area vocational education schools;

"(10) the acquisition of equipment and the renovation of facilities necessary to improve or expand vocational education programs within the State;

"(11) the conduct of special courses and teaching strategies designed to teach the fundamental principles of mathematics and science through practical applications which are an integral part of the student's occupational program;

"(12) the assignment of personnel to work with employers and eligible recipients in a region to coordinate efforts to ensure that vocational programs are responsive to the labor market and supportive of apprenticeship training programs;

"(13) the activities of vocational student organizations carried out as an integral part of the secondary and postsecondary instructional program;

"(14) prevocational programs;

"(15) programs of modern industrial and agricultural arts;

Ante, p. 2441.
Ante, p. 2440.

"(16) support for full-time personnel to carry out section 111(b) which shall be paid for from administrative expenses of the State available under section 102(b);

"(17) the provision of stipends, which shall not exceed reasonable amounts as prescribed by the Secretary by regulation, for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs;

"(18) placement services for students who have successfully completed vocational education programs (including special services for the handicapped and cooperative efforts with rehabilitation programs);

"(19) day care services for children of students in secondary and postsecondary vocational education programs;

"(20) the construction of area vocational education school facilities in areas having a demonstrated need for such facilities;

"(21) the acquisition of high-technology equipment for vocational education programs;

Ante, p. 2435.

"(22) the provision of vocational education through arrangements with private vocational education institutions, private postsecondary educational institutions, and employers whenever such private institutions or employers can make a significant contribution to attaining the objectives of this Act and can provide substantially equivalent preparation at a lesser cost, or can provide equipment or services not available in public institutions;

"(23) the acquisition and operation of communications and telecommunications equipment for vocational education programs; and

Ante, p. 2450.

"(24) the improvement or expansion of any other vocational education activities authorized under part A.

Ante, p. 2438.
Ante, p. 2437.

"(b) From the portion of the allotment of each State under section 101 available for this part from amounts appropriated pursuant to section 3(a) for each fiscal year, each State shall use grants for the provision of inservice and preservice training designed to increase the competence of vocational education teachers, counselors, and administrators, including special emphasis on the integration of handicapped and disadvantaged students in regular courses of vocational education.

98 STAT. 2457

"CRITERIA FOR PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

20 USC 2342.
Ante, p. 2435.

"SEC. 252. (a) Subject to the provisions of this part, each State may expend funds available under this part in the manner best suited to carry out the purposes of this Act within the State.

"(b) Each State may make use of community-based organizations of demonstrated effectiveness, in addition to eligible recipients, for the use of funds available under this part in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students or wherever the community-based organization can better serve disadvantaged students.

"(c) Any project assisted with funds made available under this part shall be of sufficient size, scope, and quality to give reasonable promise of meeting the vocational education needs of the students involved in the project.

"TITLE III—SPECIAL PROGRAMS

"PART A—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

"APPLICATIONS

"SEC. 301. (a) Each community-based organization which desires to receive assistance under this part shall prepare jointly with the appropriate eligible recipient and submit an application to the State board at such time, in such manner, and containing or accompanied by such information as the State board may require. Each such application shall— 20 USC 2351.

"(1) contain an agreement between the community-based organization and the eligible recipients in the area to be served, which includes the designation of fiscal agents established for the program;

"(2) provide a description of the uses for which assistance is sought pursuant to section 302(b) together with evaluation criteria to be applied to the program; *Post*, p. 2458.

"(3) provide assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth ages sixteen through twenty-one, inclusive;

"(4) provide assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

"(5) describe the collaborative efforts with the eligible recipients and the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

"(6) provide assurances that the programs conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

98 STAT. 2458

"USES OF FUNDS

"SEC. 302. (a) From the portion of the allotment of each State under section 101 available for this part, each State shall provide financial assistance to joint programs of eligible recipients and community-based organizations within the State for the conduct of special vocational education services and activities described in subsection (b). 20 USC 2352. *Ante*, p. 2438.

"(b) Funds provided under this section may be used in accordance with State plans for—

"(1) outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training;

"(2) transitional services such as attitudinal and motivational prevocational training programs;

"(3) prevocational educational preparation and basic skills development conducted in cooperation with business concerns;

"(4) special prevocational preparations programs targeted to inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban and rural areas having a high density of poverty who need special prevocational education programs;

"(5) career intern programs;

"(6) assessment of students needs in relation to vocational education and jobs; and

"(7) guidance and counseling to assist students with occupational choices and with the selection of a vocational education program.

"PART B—CONSUMER AND HOMEMAKER EDUCATION

"CONSUMER AND HOMEMAKER EDUCATION GRANTS

20 USC 2361.

"SEC. 311. From the portion of the allotment of each State under section 101 available for this part, the Secretary is authorized to make grants to States to assist them in conducting consumer and homemaker education programs. Such programs may include (1) instructional programs, services, and activities that prepare youth and adults for the occupation of homemaking, and (2) instruction in the areas of food and nutrition, consumer education, family living and parenthood education, child development and guidance, housing, home management (including resource management), and clothing and textiles.

"USE OF FUNDS FROM CONSUMER AND HOMEMAKER EDUCATION GRANTS

20 USC 2362.
Ante, p. 2449.

"SEC. 312. (a) Grants to any State under this part shall be used, in accordance with State plans approved under section 114—

"(1) to conduct programs in economically depressed areas;

"(2) to encourage participation of traditionally underserved populations;

"(3) to encourage the elimination of sex bias and sex stereotyping;

"(4) to improve, expand, and update programs with an emphasis on those which specifically address needs described under clauses (1), (2), and (3); and

"(5) to address priorities and emerging concerns at the local, State, and national levels.

"(b) Grants for the purposes set forth in subsection (a) may be used for—

"(1) program development and improvement of instruction and curricula relating to managing individual and family resources, making consumer choices, managing home and work responsibilities, improving responses to individual and family crises, strengthening parenting skills, assisting aged and handicapped individuals, improving nutrition, conserving limited resources, understanding the impact of new technology on life and work, applying consumer and homemaker education skills to jobs and careers, and other needs as determined by the State; and

"(2) support services and activities designed to ensure the quality and effectiveness of programs, including demonstration of innovative and exemplary projects, community outreach to underserved populations, application of academic skills (such as reading, writing, mathematics, and science) through consumer and homemaker education programs, curriculum development, research, program evaluation, development of instructional materials, teacher education, upgrading of equipment, teacher supervision, and State administration and leadership, including activities of the student organization.

"(c) Not less than one-third of the Federal funds made available to any State under this section shall be expended in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

"INFORMATION DISSEMINATION AND LEADERSHIP

20 USC 2363.

"SEC. 313. (a) The State board shall ensure that the experience and information gained through carrying out programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership qualified by experience and preparation in home economics education.

"(b) Not more than 6 percent of the funds available under this part may be used to carry out leadership activities under this section.

"PART C—ADULT TRAINING, RETRAINING, AND EMPLOYMENT DEVELOPMENT

"FINDINGS AND PURPOSE

"SEC. 321. (a) The Congress finds that— 20 USC 2371.

"(1) technological change, international competition, and the demographics of the Nation's work force have resulted in increases in the numbers of adult workers who are unemployed, who have been dislocated, or who require training, retraining, or upgrading of skills,

"(2) many women entering and reentering the paid labor market are disproportionately employed in low-wage occupations and require additional training,

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"(3) many adults cannot gain access to or benefit fully from vocational education due to limited English proficiency, and

"(4) these needs can be met by vocational education programs that are responsive to the needs of individuals and the demands of the labor market.

"(b) It is the purpose of this part (1) to provide financial assistance to the States to enable them to expand and improve vocational education programs designed to meet urgent needs for training, retraining, and employment development of adults who have completed or left high school and are preparing to enter or have entered the labor market, in order to equip adults with the competencies and skills required for productive employment, and (2) to ensure that such programs are relevant to the labor market needs and accessible to all segments of the population, including women, minorities, the handicapped, individuals with limited English proficiency, workers fifty-five and older, and the economically disadvantaged.

"AUTHORIZATION OF GRANTS AND USES OF FUNDS

"SEC. 322. (a) From the portion of the allotment of each State under section 101 available for this part, the Secretary shall make grants to the States for programs, services, and activities authorized by this part. 20 USC 2372. *Ante*, p. 2438.

"(b)(1) Grants to States under this part may be used, in accordance with State plans, for—

"(A) vocational education programs, services, activities, and employment development authorized by title II which are designed to meet the needs of— *Ante*, p. 2450.

"(i) individuals who have graduated from or left high school and who need additional vocational education for entry into the labor force;

"(ii) unemployed individuals who require training to obtain employment or increase their employability;

"(iii) employed individuals who require retraining to retain their jobs, or who need training to upgrade their skills to qualify for higher paid or more dependable employment;

"(iv) displaced homemakers and single heads of households who are entering or reentering the labor force;

"(v) employers who require assistance in training individuals for new employment opportunities or in retraining employees in new skills required by changes in technology, products, or processes; and "(vi) workers fifty-five and older;

"(B) short-term programs of retraining designed to upgrade or update skills in accordance with changed work requirements;

"(C) education and training programs designed cooperatively with employers, such as—

"(i) institutional and worksite programs, including apprenticeship training programs (or combinations of such programs) especially tailored to the needs of an industry or group of industries for skilled workers, technicians, or managers, or to assist their existing work force to adjust to changes in technology or work requirements; and

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"(ii) quick-start, customized training for workers in new and expanding industries, or for workers for placement in jobs that are difficult to fill because of a shortage of workers with the requisite skills,

Ante, p. 2435.

"(D) building more effective linkages between vocational education programs and private sector employers (through a variety of programs including programs where secondary school students are employed on a part-time basis as registered apprentices with transition to full-time apprenticeships upon graduation), and between eligible recipients of assistance under this Act and economic development agencies and other public and private agencies providing job training and employment services, in order to more effectively reach out to and serve individuals described in subparagraph (A);

"(E) cooperative education programs with public and private sector employers and economic development agencies, including seminars in institutional or worksite settings, designed to improve management and increase productivity;

"(F) entrepreneurship training programs which assist individuals in the establishment, management, and operation of small business enterprises;

"(G) recruitment, job search assistance, counseling, remedial services, and information and outreach programs designed to encourage and assist males and females to take advantage of vocational education programs and services, with particular attention to reaching women, older workers, individuals with limited English proficiency, the handicapped, and the disadvantaged;

"(H) curriculum development, acquisition of instructional equipment and materials, personnel training, pilot projects, and related and additional services and activities required to effectively carry out the purposes of this part;

"(I) the costs of serving adults in other vocational education programs, including paying the costs of instruction or the costs of keeping school facilities open longer; and

"(J) related instruction for apprentices in apprenticeship training programs.

"(2) In making grants under this part, the Secretary shall require each State, in its State plan (or an amendment thereto), to assure that programs—

Ante, p. 2443.

"(A) are designed with the active participation of the State council established pursuant to section 112;

"(B) make maximum effective use of existing institutions, are planned to avoid duplication of programs or institutional capabilities, and to the fullest extent practicable are designed to strengthen institutional capacity to meet the education and training needs addressed by this part;

"(C) involve close cooperation with and participation by public and private sector employers and public and private agencies working with problems of employment and training and economic development; and

29 USC 701 note.
20 USC 1400.

"(D) where appropriate, involve coordination with programs under the Rehabilitation Act of 1973 and the Education of the Handicapped Act.

"COORDINATION WITH THE JOB TRAINING PARTNERSHIP ACT

20 USC 2373.

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"Sec. 323. (a) Each State receiving grants under this part shall include in the State plan methods and procedures for coordinating vocational education programs, services, and activities funded under this part to provide programs of assistance for dislocated workers funded under title III of the Job Training Partnership Act.

29 USC 1651.

"(b)(1) The State board shall consult with the State job training coordinating council (established under section 122 of the Job Training Partnership Act) in order that programs assisted under this part may be taken into account by such council in formulating recommendations to the Governor for the Governor's coordination and special services plan required by section 121 of such Act.

29 USC 1532.

29 USC 1531.

"(2) The State board shall also adopt such procedures as it considers necessary to encourage coordination between eligible recipients receiving funds under this part and the appropriate administrative entity established under the Job Training Partnership Act in the conduct of their respective programs, in order to achieve the most effective use of all Federal funds through programs that complement and supplement each other, and, to the extent feasible, provide an ongoing and integrated program of training and services for workers in need of such assistance.

29 USC 1501 note.

"PART D—COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS

"GRANTS FOR CAREER GUIDANCE AND COUNSELING

20 USC 2381.
Ante, p. 2438.

"Sec. 331. From the portion of the allotment of each State under section 101 available for this part, the Secretary is authorized to make grants to States to assist them in conducting career guidance and counseling programs authorized by this part.

"USE OF FUNDS FROM CAREER GUIDANCE AND COUNSELING GRANTS

20 USC 2382.

"Sec. 332. (a) Grants to any State under this part shall be used, in accordance with State plans (and amendments thereto), for programs (organized and administered by certified counselors) designed to improve, expand, and extend career guidance and counseling programs to meet the career development, vocational education, and employment needs of vocational education students and potential students. Such programs shall be designed to assist individuals—

"(1) to acquire self-assessment, career planning, career decisionmaking, and employability skills;

"(2) to make the transition from education and training to work;

"(3) to maintain marketability of current job skills in established occupations;

"(4) to develop new skills to move away from declining occupational fields and enter new and emerging fields in high-technology areas and fields experiencing skill shortages;

"(5) to develop midcareer job search skills and to clarify career goals; and

"(6) to obtain and use information on financial assistance for postsecondary and vocational education, and job training.

"(b) Programs of career guidance and counseling under this part shall encourage the elimination of sex, age, handicapping condition, and race bias and stereotyping, provide for community outreach, enlist the collaboration of the family, the community, business, industry, and labor and be accessible to all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged. The programs authorized by this part shall consist of—

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"(1) instructional activities and other services at all educational levels to help students with the skills described in clauses (1) through (6) of subsection (a); and

"(2) services and activities designed to ensure the quality and effectiveness of career guidance and counseling programs and projects assisted under this part, such as counselor education (including education of counselors working with individuals with limited English proficiency), training of support personnel, curriculum development, research and demonstration projects, experimental programs, instructional materials development, equipment acquisition, and State and local leadership and supervision; and

"(3) projects which provide opportunities for counselors to obtain firsthand experience in business and industry, and projects which provide opportunities to acquaint students with business, industry, the labor market, and training opportunities (including secondary educational programs that have at least one characteristic of an apprenticeable occupation as recognized by the Department of Labor or the State Apprenticeship Agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, in concert with local business, industry, labor, and other appropriate apprenticeship training entities, designed to prepare participants for an apprenticeable occupation or provide information concerning apprenticeable occupations and their prerequisites). 29 USC 50 note.

"(c) Not less than 20 percent of the sums made available to a State under this part shall be used for programs designed to eliminate sex, age, and race bias and stereotyping under subsection (b) and for activities to ensure that programs under this part are accessible to all segments of the population, including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities.

"INFORMATION DISSEMINATION AND LEADERSHIP

20 USC 2383.

"Sec. 333. (a) The State board shall ensure that the experience and information gained through programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership qualified by experience and knowledge in guidance and counseling.

"(b) Not more than 6 percent of the funds available under this part may be used to carry out leadership activities under this section.

"Part E—Industry-Education Partnership for Training in High-Technology Occupations

"FINDINGS AND PURPOSE

20 USC 2391.

"Sec. 341. (a) The Congress finds that—

"(1) shortages of technicians in high-technology fields are adversely affecting the Nation's productivity, its competitiveness in world markets, defense capability, and economic health; and

"(2) the Nation's vocational education system can make a major contribution in meeting the need for trained technicians and skilled workers in these fields, particularly through partnerships between vocational agencies and institutions and private business and industry.

"(b) It is therefore the purpose of this part—

"(1) to provide incentives for business and industry and the vocational education community to develop programs to train the skilled workers needed to produce, install, operate, and maintain high-technology equipment, systems, and processes; and

"(2) to ensure that such programs are relevant to the labor market and accessible to all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged.

"AUTHORIZATION OF GRANTS

"SEC. 342. (a) From the portion of the allotment of each State under section 101 available for this part, the Secretary shall make grants to the States to carry out industry-education partnership training programs in high-technology occupations in accordance with this part.

20 USC 2392.
Ante, p. 2438.

"(b) Grants to any State under this part shall be used, in accordance with State plans which contain assurances to the Secretary that—

"(1) funds received under this part will be used solely for vocational education programs designed to train skilled workers and technicians in high-technology occupations (including programs providing related instruction to apprentices) and projects to train skilled workers needed to produce, install, operate, and maintain high-technology equipment, systems, and processes;

"(2) to the maximum extent practicable, funds received under this part will be utilized in coordination with the Job Training Partnership Act to avoid duplication of effort and to ensure maximum effective utilization of funds under this Act and the Job Training Partnership Act;

29 USC 1501 note.

"(3) except as provided in subsection (c), not less than 50 per centum of the aggregate costs of programs and projects assisted under this part will be provided from non-Federal sources, and not less than 50 per centum of such non-Federal share of aggregate costs in the State will be provided by participating business and industrial firms;

"(4) programs and projects assisted under this part will be coordinated with those assisted under title II, and to the maximum extent practicable (consistent with the purposes of programs assisted under title II), supportive services will be so organized as to serve programs under both titles; and

Ante, p. 2450.

"(5) programs and projects assisted under this part will be developed with the active participation of the State council established pursuant to section 112.

Ante, p. 2443.

"(c)(1) The business and industrial share of the costs required by subsection (b)(2) may be in the form of cash or of in-kind contributions (such as facilities, overhead, personnel, and equipment) fairly valued.

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"(2) The Federal share of such costs shall be available equally from funds available to the States under this part and from funds allotted to the States under title II.

Ante, p. 2450.

"(3) If an eligible recipient demonstrates to the satisfaction of the State that it is incapable of providing all or part of the non-Federal portion of such costs as required by subsection (b)(2), the State may designate funds available under part B of title II or funds available from State sources in lieu of such non-Federal portion.

Ante, p. 2455.

"USE OF FUNDS

"SEC. 343. (a) Funds made available to the States by grants under this part may be used solely for the establishment and operation of programs and projects described by section 342(b) and for—

20 USC 2393.
Ante, p. 2464.

"(1) necessary administrative costs of the State board and of eligible recipients associated with the establishment and operation of programs authorized by this part;

Ante, p. 2463.

"(2) training and retraining of instructional and guidance personnel;

"(3) curriculum development and the development or acquisition of instructional and guidance equipment and materials;

"(4) acquisition and operation of communications and telecommunications equipment and other high-technology equipment for programs authorized by this part; and

"(5) such other activities authorized by this title as may be essential to the successful establishment and operation of programs and projects authorized by this part, including activities and related services to ensure access of women, minorities, the handicapped, and the economically disadvantaged.

"(b) In approving programs and projects assisted under this part, the State board shall give special consideration to—

"(1) the level and degree of business and industry participation in the development and operation of the program;

"(2) the current and projected demand within the State or relevant labor market area for workers with the level and type of skills the program is designed to produce;

"(3) the overall quality of the proposal, with particular emphasis on the probability of successful completion of the program by prospective trainees and the capability of the eligible recipient (with assistance from participating business or industry) to provide high quality training for skilled workers and technicians in high technology; and

"(4) the commitment to serve all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged (as demonstrated by special efforts to provide outreach, information, and counseling, and by the provision of remedial instruction and other assistance).

"(c) Expenditures for administrative costs pursuant to subsection (a)(1) may not exceed 10 per centum of the State's allotment for this part in the first year and 5 per centum of such allotment in each subsequent year.

"TITLE IV—NATIONAL PROGRAMS

"PART A—RESEARCH

"RESEARCH OBJECTIVES

20 USC 2401.

"SEC. 401. It is the purpose of this part—

"(1) to authorize research activities which contribute to improving the access to vocational education programs of individuals who are disadvantaged, who are handicapped, women who are entering nontraditional occupations, adults who are in need of retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

"(2) to improve the competitive process by which research projects are awarded;

"(3) to encourage the dissemination of findings of research projects assisted under this Act to all States; and

Ante, p. 2435.

"(4) to authorize research activities which are readily applicable to the vocational education setting and are of practical application to vocational education administrators, counselors, and instructors and others involved in vocational education.

"RESEARCH ACTIVITIES

20 USC 2402.
Supra.

"SEC. 402. (a) In order to carry out the objectives set forth in section 401, the Secretary shall conduct applied research on aspects of vocational education specifically related to this Act. Such research may be conducted through the National Institute of Education or any other division of the Department of Education which the Secretary determines to be appropriate. Such research shall include—

"(1) effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

"(2) strategies for coordinating local, State, and Federal vocational education, employment training, and economic development programs to maximize their efficacy and for improving worker training and retraining;

"(3) the constructive involvement of the private sector in public vocational education;

"(4) successful methods of reinforcing and enhancing basic academic skills in vocational settings;

"(5) the development of curriculum materials and instructional methods relating to new and emerging technologies, and assessments of the nature of change in the workplace and its effect on individual jobs;

"(6) the identification of institutional characteristics which improve the preparation of youth and adults for employment; and

"(7) the development of effective methods for providing quality vocational education to individuals of limited English proficiency, including research related to bilingual vocational training.

"(b) In addition, the Secretary shall—

"(1) initiate leadership development and inservice education activities for State and local vocational education instructors, counselors, and administrators; and

"(2) support meritorious, unsolicited research proposals from individual researchers community colleges, State advisory councils, and State and local educators relating to the goals of this Act.

"(c) The Secretary shall give preference in carrying out the provisions of this part to public and private postsecondary institutions in conducting vocational education research.

"(d)(1) The Secretary shall institute measures designed to ensure that program improvement activities carried out under this section represent a coordinated effort to improve the quality of vocational education.

"(2) The Secretary shall include in the annual report of the Secretary a summary of activities funded under this section, together with an appraisal of their contributions to the improvement and expansion of vocational education.

"NATIONAL ASSESSMENT OF VOCATIONAL EDUCATION PROGRAMS ASSISTED UNDER THIS ACT

"SEC. 403. (a) The Secretary shall conduct a national assessment of vocational education assisted under this Act, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and evaluations of—

20 USC 2403.
Ante, p. 2435.

"(1) the vocational education activities and services delivered to the individuals who benefit from vocational education activities and services assisted under this Act, including the expansion of access to quality vocational education for individuals described in section 201(b) and adults;

Ante, p. 2450.

"(2) the impact of this Act in modernizing the Nation's vocational education system and expanding its capacity to meet the changing needs of the workplace;

"(3) the resources needed to meet adequately the Nation's job training needs;

"(4) the coordination of vocational education programs with employment training and economic development among the States;

"(5) the impact of vocational education programs on the achievement of academic skills and employment opportunities of students;

"(6) the coordination of vocational education and postsecondary programing for handicapped and disadvantaged individuals;

Ante, p. 2445.

"(7) the skill and competency levels developed by States pursuant to section 113(b);

"(8) the effectiveness of vocational education programs and services for individuals of limited English proficiency; and

"(9) the effectiveness of bilingual vocational training, including bilingual vocational instructor training, to address the unmet needs of individuals of limited English proficiency.

Report.

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The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1988, and a final report shall be prepared and submitted to the Congress not later than January 1, 1989.

Ante, p. 2445.

"(b) The Secretary shall conduct an analysis of State plans and of the findings of evaluations conducted pursuant to section 113(b) and make suggestions to State boards for improvements in planning or program operation.

President of U.S.

"(c) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the National Institute of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

"(d) Not more than 20 percent of the amounts available under this part in any fiscal year may be expended to carry out the assessment authorized by this section.

"NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION

20 USC 2404.
Ante, p. 2435.

"SEC. 404. (a)(1) The National Center for Research in Vocational Education established pursuant to this Act (hereinafter in this section referred to as the 'National Center') shall continue to be operated with funds made available under this Act.

Grants.

"(2) The Secretary shall provide support for the National Center through an annual grant for its operation. The National Center shall be a nonprofit entity associated with a public or private nonprofit university which is prepared to make a substantial financial contribution toward its establishment. The Secretary shall, on the basis of solicited applications, designate the entity to be the National Center once every five years, acting with the advice of a panel composed of individuals appointed by the Secretary who are not Federal employees and who are recognized nationally as experts in vocational education administration and research.

"(3) The National Center shall have a Director, appointed by the university with which it is associated, and shall be assisted by the advisory committee under subsection (c).

Research and development.

"(b) The National Center shall have as its primary purposes the design and conduct of research and developmental projects and programs, including longitudinal studies, which extend over a period of years (with such supplementary and short-term activities through other grants and contracts as the Director may choose to undertake consistent with the purpose of this Act). Such projects, programs, and activities shall be conducted by the National Center directly and through subcontracts (subject to the availability of appropriations therefor) with other public agencies and public or private institutions of higher education. The National Center shall—

"(1) conduct applied research and development on—

"(A) effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

"(B) the constructive involvement of the private sector in public vocational education;

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"(C) successful methods of reinforcing and enhancing basic academic skills in vocational settings;

"(D) the development of curriculum materials and instructional methods relating to new and emerging technologies, and assessments of the nature of change in the workplace and its effect on individual jobs; and

"(E) the identification of institutional characteristics which improve the preparation of youth and adults for employment;

"(2) provide leadership development through an advanced study center and inservice education activities for State and local leaders in vocational education;

"(3) disseminate the results of the research and development projects funded by the Center;

Public information.

"(4) develop and provide information to facilitate national planning and policy development in vocational education;

"(5) provide technical assistance to programs serving special populations, including the handicapped and individuals with limited English proficiency;

"(6) act as a clearinghouse for information on contracts or grants made by the States to carry out research, curriculum, and personnel development activities and on contracts or grants made by the Secretary pursuant to this title;

"(7) work with States, local educational agencies, and other public agencies in developing methods of planning and evaluating programs, including the followup studies of individuals who complete the program so that such agencies can offer vocational education programs which are more closely related to the types of jobs available in their communities, States, and regions; and

"(8) after consultation with the National Commission for Employment Policy, report annually to the Congress, the Secretary of Education, and the Secretary of Labor on the extent, efficiency, and effectiveness of joint planning and coordination under this Act and the Job Training Partnership Act.

Report.

Ante, p. 2435.
29 USC 1501 note.

"(c) The Secretary shall appoint an advisory committee which shall advise the Secretary and the Director with respect to policy issues in the administration of the National Center and in the selection and conduct of major research and demonstration projects and activities of the National Center. The advisory committee shall meet at the call of the Secretary at least three times annually at the site of the National Center. The advisory committee shall consist of not more than twelve members, who shall not be employees of the Federal Government, who shall include—

"(1) two members designated by the university with which the National Center is associated;

"(2) at least one member selected from individuals nominated by national organizations representing State and local education administrators and teachers;

"(3) one member who is an individual recognized nationally for work in the field of vocational education research;

"(4) one member who is the owner, chief executive officer, or senior manager of a private business or industry which employs skilled workers and technicians in high-technology occupations;

"(5) one member who is an individual recognized nationally for work in the field of labor market economics;

"(6) one member who is recognized nationally for work in curriculum in vocational education;

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"(7) one member who represents organized labor;

"(8) one member who is an individual recognized nationally for work with individuals with limited English proficiency in the field of vocational education;

"(9) one member who is an individual recognized nationally for work in guidance and counseling in the field of vocational education; and

"(10) one member who is an individual recognized nationally for work with the handicapped in the field of vocational education.

"PART B—DEMONSTRATION PROGRAMS

"Subpart 1—Cooperative Demonstration Programs

"PROGRAM AUTHORIZED

Grants.
Contracts with U.S.
20 USC 2411.
Post, p. 2479.

"SEC. 411. (a) From the amounts available for this part under section 451 for each fiscal year, the Secretary is authorized to carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs and projects which support—

"(1) model programs providing improved access to quality vocational education programs for those individuals described in section 201(b) of this Act and for men and women seeking nontraditional occupations; *Ante*, p. 2450.

"(2) examples of successful cooperation between the private sector and public agencies in vocational education, involving employers or consortia of employers or labor organizations and building trade councils, and State boards or eligible recipients designed to demonstrate ways in which vocational education and the private sector of the economy can work together effectively to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment, including—

"(A) work experience and apprenticeship programs;

"(B) transitional worksite job training for vocational education students which is related to their occupational goals and closely linked to classroom and laboratory instruction provided by an eligible recipient;

"(C) placement services in occupations which the students are preparing to enter; and

"(D) where practical, projects (such as the rehabilitation of public schools or housing in inner cities or economically depressed rural areas) that will benefit the public;

"(3) programs to overcome national skill shortages, as designated by the Secretary in cooperation with the Secretary of Labor, Secretary of Defense, and Secretary of Commerce; and

"(4) such other activities which the Secretary may designate which are related to the purposes of this Act.

"(b)(1) Projects described in clause (2) of subsection (a) may include institutional and on-the-job training, supportive services authorized by this Act, and such other necessary assistance as the Secretary determines to be necessary for the successful completion of the project.

"(2) Not less than 25 percent of the cost of the demonstration programs authorized by this subpart shall be provided by the recipient of the grant or contract, and such share may be in the form of cash or in-kind contributions, including facilities, overhead, personnel, and equipment fairly valued.

"(c) All programs assisted under this section shall be—

"(1) of direct service to individuals enrolled in such programs; and

"(2) capable of wide replication by service providers.

Public availability.

"(d) The Secretary shall disseminate the results of the programs and projects assisted under this section in a manner designed to improve the training of teachers, other instructional personnel, counsellors, and administrators who are needed to carry out the purposes of this Act.

"(e) Not later than one year after the date of enactment of the Carl D. Perkins Vocational Education Act, the Secretary of Labor and the Secretary of Education shall develop and implement a plan for greater coordination between vocational education programs and apprenticeship training programs. Linkages between such programs shall be established relating to apprentice-school programs, and preapprenticeship programs, and program evaluation and performance standards (particularly with respect to apprenticeship training and programs of related instruction). The Secretaries shall establish such other collaborative and cooperative efforts as are considered feasible and appropriate.

"Subpart 2—State Equipment Pools

"PROGRAM AUTHORIZED

Grants.
20 USC 2413.

"Sec. 413. From funds made available to carry out this subpart, the Secretary shall develop and implement a program of competitive grants to State boards for the operation of State programs involving the loan of high-technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs. The Secretary shall determine the appropriate amount of any grant. No State may qualify for more than two consecutive years for a grant under this subpart.

"Subpart 3—Demonstration Centers for the Retraining of Dislocated Workers

"PROGRAM AUTHORIZED

20 USC 2415.

"Sec. 415. The Secretary shall establish one or more demonstration centers for the retraining of dislocated workers in order to demonstrate the application of general theories of vocational education to the specific problems of retraining displaced workers.

"Subpart 4—Model Centers for Vocational Education for Older Individuals

"PROGRAM AUTHORIZED

Grants.
20 USC 2417.

"Sec. 417. (a) The Secretary shall establish a grant program to establish and operate model centers to focus greater attention on the special vocational education needs of older individuals and to

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promote employment opportunities for older individuals in accordance with this subpart.

"(b) Any center established and operated by an eligible recipient under this subpart—

"(1) provide training or retraining to update older individuals' skills, prepare such individuals for new careers when their skills have been rendered obsolete by technological advances, and promote employment through training or retraining in areas of job potential in growth industries utilizing new technologies;

"(2) provide assistance for later-life career changes, with special emphasis on the needs of older individuals who are displaced homemakers;

"(3) provide information, counseling, and support services to assist older individuals in obtaining employment;

"(4) encourage providers of vocational education, including community colleges and technical schools, to offer more job training opportunities targeted to or easily accessible to older individuals; and

"(5) promote training of paraprofessionals in gerontology and geriatrics.

Public information.

"(c) The Secretary shall establish and operate a national clearinghouse within the Department of Education to provide State and local governments, and interested organizations and individuals with information concerning centers established under this subpart and their programs.

"(d) For purposes of this subpart, the term 'older individual' means an individual fifty-five years of age or older.

"PART C—VOCATIONAL EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS

"DATA SYSTEMS AUTHORIZED

20 USC 2421.

"SEC. 421. (a)(1) The Secretary shall develop, within the National Center for Education Statistics, a national vocational education data reporting and accounting system using uniform definitions. The system required by this section shall include information on vocational education—

"(A) students (including information concerning race, sex, and handicapping condition),

"(B) programs,

"(C) program completers and leavers,

"(D) placement and followup,

"(E) staff,

"(F) facilities, and

"(G) expenditures in relation to the principal purposes of this Act.

Such information shall include the participation of special populations, including women, the disadvantaged, the handicapped, individuals of limited English proficiency, and minorities.

"(2) The Secretary shall take such action as may be necessary to secure the data required by this section at reasonable cost. The Secretary, in consultation with the Congress, shall determine the number and types of vocational education institutions to be sampled, the methodology to be used, group sample sizes, appropriate breakdown analyses of such groups, and the frequency with which such

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studies under this section are to be conducted.

"(b)(1) In maintaining and updating such system, the Secretary shall endeavor to the fullest extent feasible to make the system compatible with the occupational information system (established pursuant to section 422), with the vocational education data system authorized under section 161(a) of the Vocational Education Act of 1963, and with other systems developed or assisted under the Job Training Partnership Act and with information collected pursuant to the Education of the Handicapped Act.

Infra.

20 USC 2391.
29 USC 1501 note.
20 USC 1400.

"(2) Any State receiving assistance under this Act shall cooperate with the Secretary in supplying the information required to be submitted by the Secretary and shall comply in its reports with the vocational education data system developed by the Secretary pursuant to subsection (a). Each State shall submit the data required to carry out this subsection to the Secretary in whatever form the Secretary requires.

"(3) The Secretary shall every 2 years update the national vocational education information and accounting system and prepare acquisition plans of data for operating the system. In carrying out the requirements under this paragraph, the Secretary shall use scientific sample surveys for the information required, except that the information required with respect to handicapped students shall be furnished in accordance with section 423 of this Act.

Post, p. 2474.

"(4) The Secretary may conduct special studies on enrollment of disadvantaged students in vocational education programs, on the participation of handicapped students in vocational education programs, and any other similar subjects which the Secretary deems appropriate.

"(c) In carrying out the responsibilities imposed by this section, the Secretary shall cooperate with the Secretary of Labor in implementing section 463 of the Job Training Partnership Act to ensure that the data system operated under this section is compatible with and complementary to other occupational supply and demand information systems developed or maintained with Federal assistance.

29 USC 1753.

"OCCUPATIONAL INFORMATION SYSTEM

"SEC. 422. (a) There is established a National Occupational Information Coordinating Committee which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitative Services Administration, the Director of the Office of Bilingual Education and Minority Language Affairs, and the Administrator of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Undersecretary for Small Community and Rural Development of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). The Committee, with funds available to it under section 451, shall provide funds, on an annual basis, to State occupational information coordinating committees and to eligible recipients and shall—

National Occupational Information Coordinating Committee, establishment.
20 USC 2422.

Post, p. 2479.

"(1) in the use of program data and employment data, improve coordination and communication among administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and personnel of employment and training planning and administering agencies (including apprenticeship training agencies) at the Federal, State, and local levels;

Ante, p. 2435.
29 USC 1501 note.

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"(2) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications;

"(3) conduct studies on the effects of technological change on new and existing occupational areas and the required changes in knowledge and job skills; and

"(4) assist State occupational information coordinating committees established pursuant to subsection (b).

"(b) Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established pursuant to subsection (a)—

"(A) implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act; and

Ante, p. 2435.
29 USC 1501 note.

"(B) use the occupational information system to implement a career information delivery system.

"INFORMATION BASE FOR VOCATIONAL EDUCATION DATA SYSTEM

"SEC. 423. The Secretary shall assure that adequate information on the access to vocational education programs by handicapped

20 USC 2423.

secondary school students be included in the national vocational education data system, required by section 161 of the Vocational Education Act of 1963 and by this part, for the biennial survey. The information base for the biennial survey for the handicapped shall be in 4-digit detail as defined in A Classification of Instructional Programs published by the National Center for Educational Statistics. The survey shall include information with respect to total handicapped enrollment by program, by type of instructional setting, and by type of handicapping condition. 20 USC 2391.

"PART D—NATIONAL COUNCIL ON VOCATIONAL EDUCATION

"COUNCIL ESTABLISHED

20 USC 2431. "SEC. 431. (a)(1) There is established the National Council on Vocational Education. The Council shall consist of 17 members appointed by the President of whom 9 shall be representative of the private sector.

"(2) The members of the Council shall serve for such terms as the President may prescribe. Members of the Council shall be individuals who are owners, chief executives or chief operating officers of private business concerns, private for profit and nonprofit health and educational institutions and executives of business concerns and business associations who have substantial management and policy responsibility including agriculture, small business, and organized labor, except that at least one member shall be a nonpublic member appointed from among members of the National Commission for Employment Policy established under the Job Training Partnership Act, and at least 3 members shall be individuals with broad experience in education and human resources development.

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29 USC 1501 note.

"(3) The Chairperson of the Council shall be selected by the President. The Council shall meet not fewer than 4 times each year at the call of the Chairperson. A majority of the members of the Council shall constitute a quorum (but a lesser number may conduct hearings on behalf of the Council), and recommendations may be made, or other actions taken, only by a majority of the members present.

"(b) The Council shall advise the President, Congress, and the Secretary on—

Ante, p. 2435.

"(1) the effectiveness of this Act or its implementation in achieving the stated purposes of this Act and in providing students with skills that meet needs of employers;

"(2) strategies for increasing cooperation between business and vocational education so that training is available for new technologies for which there is a demand;

"(3) practical approaches to retraining adult workers, and to enhancing education, business, and labor cooperation in retraining efforts;

"(4) effective ways of providing access to information regarding the market demand for skills that will enable State and local personnel to develop responsive vocational education curricula;

"(5) the vocational education needs of the handicapped and the level of participation of the handicapped in vocational education programs; and

"(6) the implementation of this Act and the Job Training Partnership Act, and policies needed to expand and improve vocational-technical education programs (and apprenticeship programs) in order to build a coordinated capacity to adequately prepare America's work force for employment.

"(c) Subject to such rules and regulations as may be adopted by the Council, the Chairperson is authorized to—

"(1) prescribe such rules and regulations as may be necessary for conducting the business of the Council;

"(2) appoint and fix the compensation of such personnel as the

Chairperson considers necessary (including not to exceed five professional personnel), and appoint (with the approval of the Council) a Director, who shall be the chief executive officer of the Council and perform such duties as are prescribed by the Chairperson;

"(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of the law;

"(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Council under this section;

"(6) enter into contracts and grants and make such other arrangements and modifications, as may be necessary;

Grants.
Contracts with U.S.

"(7) conduct such hearings, studies, and research activities as the Council deems necessary to enable it to carry out its functions under this section;

"(8) use the services, personnel, facilities, and information of any department, agency, or instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private agencies and organizations, with the consent of such agencies, with or without reimbursement therefor; and

"(9) make advance, progress, and other payments necessary under this section without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).

31 USC 3324.

"(d) Upon request made by the Chairperson of the Council, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions under this section.

"(e) The Council may establish working groups on occupational competencies to provide the Secretary, the President, the Congress, and the States with current information on the types and levels of occupational competencies necessary for entry and sustained productive employment in given jobs or industries, including levels of skills required, and equipment, methods, and facilities needed for the occupation. The Council may establish working groups for the occupations the Council considers important or necessary and may reconstitute such groups as occupational priorities are revised. Members of the working groups shall be appointed by the Council on the advice of national trade and professional associations and labor organizations. Working group members shall be individuals with specific knowledge in the technology and practice of the occupations relevant to the task of the group. The Council may provide the results and recommendations of the working groups to each State council on vocational education and other appropriate State agencies.

"(f) The Council may use funds available for this part to obtain the services of staff specialists for working groups who have demonstrated technical skills and instructional ability in the occupations in question.

Report.

"(g) The Council shall make a report of its findings and recommendations to the President, the Congress, and the Secretary every second year, and may make such interim reports and recommendations as the Council may consider desirable. The Council shall include in such reports the manner in which the competency statements provided by the Council have been used by the States. The Council may include in such reports its evaluation of the status, progress, and needs of vocational education (including recommendations for Federal legislation and appropriations). Each such report

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shall include any minority, dissenting, or supplementary view submitted by any member of the Council.

"PART E—BILINGUAL VOCATIONAL TRAINING

"PROGRAM AUTHORIZED

Grants.
Contracts with U.S.
20 USC 2441
Ante, p. 2437.

"SEC. 441. (a)(1) From the sums made available to carry out this section in each fiscal year under section 3(d), the Secretary is authorized to make grants to and to enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and other nonprofit organizations specially created to serve individuals who normally use a language other than English, for bilingual vocational education and training for individuals with limited English proficiency to prepare such individuals for jobs in recognized occupations and new and emerging occupations. Such training shall include instruction in the English language to ensure that participants in such training will be equipped to pursue such occupations in an English language environment. The Secretary may also enter into contracts with private for-profit agencies and organizations for bilingual vocational education and training programs.

"(2) Grants and contracts under this subsection may be used for—

"(A) bilingual vocational training programs for individuals who have completed or left elementary or secondary school and who are available for education in a postsecondary educational institution;

"(B) bilingual vocational education and training programs for individuals who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

"(C) training allowances for participants in bilingual vocational training programs.

"(b)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies and public and private nonprofit educational institutions and to enter into contracts with private for-profit educational institutions to assist such entities in conducting training for instructors of bilingual vocational education and training programs.

"(2) Grants and contracts under this subsection may be used for—

"(A) preservice and inservice training for instructors, aides, counselors, or other ancillary personnel participating or preparing to participate in bilingual vocational training programs; and

"(B) fellowships and traineeships for individuals participating in preservice or inservice training.

"(3) The Secretary may not make a grant or enter into a contract under this subsection unless the Secretary determines that the applicant has an ongoing vocational training program in the field in which participants will be trained and can provide instructors with adequate language capabilities in the language other than English to be used in the program.

"(c)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies, educational institutions, and appropriate nonprofit organizations, and to enter into contracts with private for-profit organizations and individuals, to assist in the development of instructional and curriculum materials, methods, or techniques for bilingual vocational training.

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"(2) Grants and contracts under this subsection may be used for—

"(A) research in bilingual vocational training;

"(B) training programs to familiarize State agencies and training institutions with research findings and with successful pilot and demonstration projects in bilingual vocational education and training; and

"(C) experimental, developmental, pilot, and demonstration projects.

"(d)(1) Any eligible entity which desires to receive a grant from the Secretary under subsection (a), (b), or (c) shall submit an application to the Secretary in such form, at such times, and accompanied by such information as the Secretary may require. Such application shall provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

"(2) An application pursuant to subsection (a) shall (A) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this section, and (B) be submitted to the State board or agency under section 111 for review and comment. Any such comments shall be included for submission to the Secretary.

Ante, p. 2441.

"(3) An application pursuant to subsection (c) shall set forth the qualifications of staff responsible for any such program.

"(4) An application pursuant to subsection (b) shall—

"(A) describe the capabilities of the applicant (including vocational training or education courses offered by the applicant, accreditation, and any certification of courses by appropriate State agencies);

"(B) describe the qualifications of principal staff responsible for any program under subsection (b); and

"(C) describe minimum qualifications for individuals participating or to participate in any program, describe the selection process for such individuals, and the projected amount of the fellowships or traineeships, if any.

"(5) Prior to making grants or contracts under subsection (a) or (b), the Secretary shall consult with the State board under section 111 to ensure an equitable distribution of assistance among populations of individuals with limited English proficiency within the State.

"(6) The Secretary may approve an application for assistance under this section only if the application meets the requirements set forth under this section. An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the initial application.

"(e)(1) The Secretary shall administer programs under this section in consultation with the Secretary of Labor.

"(2) Programs of bilingual vocational education and training under this section in the Commonwealth of Puerto Rico may provide for the needs of students of limited Spanish proficiency.

Public information.

"(3) The Secretary of Education, in consultation with the Secretary of Labor, shall gather and disseminate information concerning the status of bilingual vocational education in all geographic regions and shall evaluate the impact of bilingual vocational education on occupational shortages of skilled workers, the unemployment or underemployment of individuals with limited English proficiency, and the ability of such individuals to acquire sufficient job skills and English language skills to fully contribute to the economy. The Secretary of Education and the Secretary of Labor shall annually report their findings to the President and the Congress.

Report.

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"(f)(1) For each fiscal year, not less than 75 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (a).

"(2) For each fiscal year, not less than 15 per centum of the sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (b).

"(3) For each fiscal year, not less than 10 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (c).

"PART F—GENERAL PROVISIONS

"DISTRIBUTION OF ASSISTANCE

20 USC 2451. *Ante*, p. 2437. "SEC. 451. (a) Subject to the provisions of subsection (b), of the amounts available pursuant to section 3(e) for any fiscal year for this title—

Ante, p. 2466. "(1) 35 percent shall be available for part A, relating to research;

Ante, p. 2470. "(2) 35 percent shall be available for part B, relating to demonstration projects; and

Ante, p. 2472. "(3) 30 percent shall be available for part C, relating to vocational education in occupational information data systems.

"(b) Notwithstanding the provisions of subsection (a)—

Ante, p. 2468. "(1) there shall be available in each fiscal year not less than $6,000,000 to carry out the provisions of section 404, relating to the National Center for Research;

Ante, p. 2473. "(2) there shall be available for each fiscal year not less than $3,500,000 for the purpose of carrying out section 422, relating to the occupational information system; and

Ante, p. 2474. "(3) there shall be available in each fiscal year $500,000 for the purpose of carrying out part D, relating to the National Council.

"TITLE V—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"PAYMENTS

20 USC 2461. *Ante*, p. 2438. *Ante*, p. 2449. "SEC. 501. (a) The Secretary shall pay from its allotment under section 101 to each State for any fiscal year for which the State has a State plan approved in accordance with section 114 (including any amendment to such plan) the Federal share of the costs of carrying out the State plan.

Ante, p. 2443. *Ante*, p. 2435. "(b) The Secretary shall pay to each State council of a State which has a State plan approved in accordance with section 114, from its allotment under section 112(f), an amount equal to the reasonable amounts expended by the State council in carrying out its functions under this Act in such fiscal year.

"FEDERAL SHARE

20 USC 2462. "SEC. 502. (a) The Federal share for each fiscal year shall be—

"(1) 50 percent of the costs of administration of the State plan;

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"(2) not to exceed 50 percent of the costs of administration of vocational education services and activities of eligible recipients;

Ante, p. 2450. *Ante*, p. 2450. "(3)(A) 50 percent of the costs of vocational education services and activities under part A of title II for individuals described in clauses (1), (2), and (3) of section 201(b);

"(B) 100 percent of the costs of vocational education programs, services, and activities under part A of title II for individuals described in clauses (4), (5), and (6) of section 201(b);

Ante, p. 2455. "(4) 50 percent of the costs of vocational education improvement, innovation, and expansion programs under part B of title II;

Ante, p. 2443. "(5) 100 percent of the costs of the State council under section 112;

Ante, p. 2441. "(6) 100 percent of the costs to carry out the provisions of section 111(b)(3); and

Ante, p. 2457. "(7) except as otherwise provided, 100 percent of the costs of programs under title III.

Ante, p. 2450. "(b) The non-Federal contribution for the costs of vocational education programs, services, and activities for the handicapped and the disadvantaged under part A of title II shall be furnished equitably by the State from State and local sources, except that the non-

Federal contributions of such costs shall be furnished by the State from State sources if the State board determines that an eligible recipient cannot reasonably be expected to provide such costs from local sources.

"MAINTENANCE OF EFFORT

"SEC. 503. (a) No payments shall be made under this Act for any fiscal year to a State unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational education for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational education for the second preceding fiscal year. 20 USC 2463. *Ante*, p. 2435.

"(b) The Secretary may waive the requirements of this section for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort required under this section for years subsequent to the year covered by such waiver; such fiscal effort shall be computed on the basis of the level of funding which would, but for such waiver, have been required.

"WITHHOLDING; JUDICIAL REVIEW

"SEC. 504. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board, finds that— 20 USC 2464.

"(1) the State plan approved under section 114 has been so changed that it no longer complies with the provisions of this Act; or *Ante*, p. 2449.

"(2) in the administration of the State plan or of programs conducted pursuant to it there is a failure to comply substantially with any such provision,

the Secretary shall notify such State board that no further payments will be made to the State under this Act (or, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until satisfied that there will no longer be any failure to comply. Until so satisfied, the Secretary shall make no further payments to such State under this Act (or shall limit payments to programs under, or portions of, the State plan not affected by such failure).

"(b) A State board which is dissatisfied with a final action of the Secretary under this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which action is based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set aside such action, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his action. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari certification as provided in Courts, U.S.

section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered otherwise by the court, operate as a stay of the Secretary's action.

"(c)(1) If any eligible recipient is dissatisfied with the final action of the State board or other appropriate State administering agency with respect to approval of its local application, such eligible recipient may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board or other appropriate State administering agency. The State board or such other agency thereupon shall file in the court the record of the proceeding on which the State board or such other agency based its action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State board or other appropriate administering agency, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the State board or such other agency to take further evidence, and the State board or such other agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State board or other appropriate administering agency or to set it

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aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari certification as provided in section 1254 of title 28, United States Code.

"(d)(1) The Secretary shall prescribe and implement rules to assure that any hearing conducted under section 434(c) of the General Education Provisions Act in connection with funds made available from appropriations under this Act shall be held within the State of the affected unit of local government or geographic area within the State.

20 USC 1232c.

"(2) For the purposes of paragraph (1)—

"(A) the term 'unit of local government' means a county, municipality, town, township, village, or other unit of general government below the State level; and

"(B) the term 'geographic area within a State' means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

"AUDITS

20 USC 2465.
Ante, p. 2435.

"Sec. 505. Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. Audits shall be conducted at least every two years and shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

"AUTHORITY TO MAKE PAYMENTS

20 USC 2466.

"Sec. 506. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance appropriation Acts.

"Part B—Definitions

"DEFINITIONS

20 USC 2471.

"Sec. 521. As used in this Act:

"(1) The term 'administration' means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but does not include curriculum development activities, personnel development, technical assistance, or research activities.

"(2) The term 'apprenticeship training program' means a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, which is conducted or sponsored by an employer, a group of employers, or a joint apprenticeship committee representing both employers and a union, and which contains all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices. 29 USC 50 note.

"(3) The term 'area vocational education school' means—

"(A) a specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

"(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

"(C) a technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

"(D) the department or division of a junior college or community college or university operating under the policies of the State board and which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in subparagraph (C) or this subparagraph, it admits as regular students both individuals who have completed high school and individuals who have left high school.

"(4) The term 'career guidance and counseling' means those programs (A) which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities, and (B) which assist them in making and implementing informed educational and occupational choices.

"(5) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act. 29 USC 1503.

"(6) The term 'construction' includes construction of new buildings and acquisition, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"(7) The term 'cooperative education' means a method of instruction of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"(8) The term 'criminal offender' means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender.

"(9) The term 'correctional institution' means any—

"(A) prison,

"(B) jail,

"(C) reformatory,

"(D) work farm,

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"(E) detention center, or

"(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

"(10) The term 'Council' means the National Council on Vocational Education.

"(11) The term 'curriculum materials' means instructional and related or supportive material, including materials using advanced learning technology, in any occupational field which is designed to strengthen the academic foundation and prepare individuals for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field, and appropriate counseling and guidance material.

"(12) The term 'disadvantaged' means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational education programs. Such term includes individuals who are members of economically disadvantaged families, migrants, individuals who have limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school.

"(13) The term 'economically depressed area' means an economically integrated area within any State in which a chronically low level of economic activity or a deteriorating economic base has caused such adverse effects as (A) a rate of unemployment which has exceeded by 50 per centum or more the average rate of unemployment in the State, or in the Nation, for each of the three years preceding the year for which such designation is made, or (B) a large concentration of low-income families, and for which such designation for the purposes of this Act is approved by the Secretary as consistent with these and such other criteria as may be prescribed, and with the purposes of this Act.

Ante, p. 2435.

"(14) The term 'eligible recipient' means a local educational agency or a postsecondary educational institution.

"(15) The term 'handicapped', when applied to individuals, means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational education program without special education assistance.

"(16) The term 'high technology' means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care.

"(17) The term 'homemaker' means an individual who—

"(A) is an adult, and

"(B) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills.

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The Secretary may not prescribe the manner in which the States will comply with the application of the definition contained in this paragraph.

"(18) The term 'limited English proficiency' has the meaning given such term in section 703(a)(1) of the Elementary and Secondary Education Act of 1965.

20 USC 3223.

"(19) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"(20) The term 'economically disadvantaged family or individual' means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

"(21) The term 'postsecondary educational institution' means an institution legally authorized to provide postsecondary education within a State, or any postsecondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

25 USC 450 note.
25 USC 452-457.

"(22) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Secretary as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this clause, or (ii) if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this clause, or (iii) if the Secretary determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by the Secretary and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Secretary shall publish a list of nationally recognized accrediting agencies or associations and State agencies which the Secretary determines to be reliable authority as to the quality of education or training afforded.

Public information.

"(23) The term 'school facilities' means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

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"(24) The term 'Secretary' means the Secretary of Education.

"(25) The term 'single parent' means an individual who—

"(A) is unmarried or legally separated from a spouse, and

"(B) has a minor child or children for which the parent has either custody or joint custody.

"(26) The term 'small business' means for-profit enterprises employing five hundred or fewer employees.

"(27) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(28) The term 'State board' means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State.

Ante, p. 2443.

"(29) The term 'State council' means the State council on vocational education established in accordance with section 112.

"(30) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(31) The term 'vocational education' means organized educational programs which are directly related to the preparation of individuals in paid or unpaid employment in such fields as agriculture, business occupations, home economics, health occupations, marketing and distributive occupations, technical and emerging occupations, modern industrial and agriculture arts, and trades and industrial occupations, or for additional preparation for a career in such fields, and in other occupations, requiring other than a baccalaureate or advanced degree and vocational student organization activities as an integral part of the program; and for purposes of this paragraph, the term 'organized education program' means only (A) instruction (including career guidance and counseling) related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training, and (B) the acquisition (including leasing), maintenance, and repair of instructional equipment, supplies, and teaching aids; but the terms do not mean the construction, acquisition, or initial equipment of buildings, or the acquisition or rental of land.

"(32) The term 'vocational student organizations' means those organizations for individuals enrolled in vocational education programs which engage in activities as an integral part of the instructional program. Such organizations may have State and national units which aggregate the work and purposes of instruction in vocational education at the local level.".

EFFECTIVE DATE

20 USC 2301 note.

SEC. 2. (a) This Act shall take effect for fiscal years beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations under this Act and the responsibility of

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States to submit State plans are effective upon the date of enactment of this Act.

Regulations.

Ante, p. 2435.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for carrying out the provisions of this Act.

TRANSITION PROVISIONS

20 USC 2301 note.
Ante, p. 2435.
20 USC 2301 note.

SEC. 3. (a) Each State and eligible recipient of financial assistance under the Carl D. Perkins Vocational Education Act, or under the Vocational Education Act of 1963, may expend funds received under the Carl D. Perkins Vocational Education Act or under the Vocational Education Act of 1963 to—

(1) conduct planning for any program or activity authorized

under the Carl D. Perkins Vocational Education Act; and

(2) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation of programs under the Carl D. Perkins Vocational Education Act.

(b)(1) On the effective date of the Carl D. Perkins Vocational Education Act, the personnel, property, and records of the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963 shall be transferred to the National Occupational Information Coordinating Committee established pursuant to section 422 of this Act. 20 USC 2422 note. 20 USC 2391. *Ante*, p. 2473.

(2) On the effective date of this Act, the personnel, property, and records of the National Advisory Council on Vocational Education shall be transferred to the National Council on Vocational Education established under section 431 of this Act. 20 USC 2431 note *Ante*, p. 2474.

CONFORMING AMENDMENTS

Sec. 4. (a)(1) Section 4 of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended— 29 USC 1503.

(A) by striking out "section 195(10) of the Vocational Education Act of 1963" in paragraph (14) and inserting in lieu thereof "section 4(15) of the Carl D. Perkins Vocational Education Act";

(B) by striking out "section 195(11) of the Vocational Education Act of 1963" in paragraph (23) and inserting in lieu thereof "section 1201(h) of the Higher Education Act of 1965"; and

(C) by striking out "section 195(1) of the Vocational Education Act of 1963" in paragraph (28) and inserting in lieu thereof "section 521(31) of the Carl D. Perkins Vocational Education Act".

(2) Section 122 of such Act is amended— 29 USC 1532.

(A) by striking out paragraph (8) of subsection (a); and

(B) by striking out "reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1963" in subsection (b)(7)(B) and inserting in lieu thereof "the measures taken pursuant to section 113(b)(9) of the Carl D. Perkins Vocational Education Act".

(3) Section 125(b)(1) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act". 29 USC 1535.

(4) Section 427(a)(1) of such Act is amended by striking out "section 104(a)(1) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 111(a)(1) of the Carl D. Perkins Vocational Education Act". 29 USC 1697.

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(5) Section 461(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act". 29 USC 1751.

(6)(A) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 422 of the Carl D. Perkins Vocational Education Act". 29 USC 1753.

(B) Section 464(a)(1) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 422 of the Carl D. Perkins Vocational Education Act". 29 USC 1754.

(C) Section 464(c) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 422 of the Carl D. Perkins Vocational Education Act".

(D) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 422 of the Carl D. Perkins Vocational Education Act". 29 USC 1753.

(E) Section 464(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act". 29 USC 1754.

29 USC 1772. (7) Section 472 of such Act is amended by striking out "National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963)" in subsection (a) and inserting in lieu thereof "National Council on Vocational Education (established under section 431 of the Carl D. Perkins Vocational Education Act)".

29 USC 1773. (8) Section 473 of such Act is amended—

(A) by striking out "National Advisory Council on Vocational Education" in paragraph (7)(A) and each place it appears in paragraph (7)(B) and inserting in lieu thereof "National Council on Vocational Education"; and

(B) by striking out "section 162 of the Vocational Education Act of 1963" and inserting in lieu thereof "part D of title IV of the Carl D. Perkins Vocational Education Act".

(b) Section 703(a)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3223(a)(8)) is amended by striking out "section 122(a)(4) and part J of the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

(c)(1) Section 113(d) of the Higher Education Act of 1965 (20 U.S.C. 1013(d)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

20 USC 1014. (2) Section 114(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

20 USC 1135c-1. (3) Section 1022(a) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

(d)(1) Section 306(b)(11) of the Adult Education Act (20 U.S.C. 1205(b)(11)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

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20 USC 1211c. (2) Section 318(a)(4) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

40 USC app. 113. (e)(1) Section 113(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking out "the Vocational Education Act of 1963 (77 Stat. 403)" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

40 USC app. 114. (2) Section 114(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

(f) Section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)) is amended by striking out "the Vocational Education Act" and inserting in lieu thereof "the Carl D. Perkins Vocational Education Act".

20 USC 11 note. (h) Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "section 102(a) of this Act (as such Act will be in effect on October 1, 1977)" and inserting in lieu thereof "section 3 of the Carl D. Perkins Vocational Education Act".

NATIONAL SUMMIT CONFERENCE ON EDUCATION

National Summit Conference on Education Act of 1984.

SEC. 5. (a) This section may be cited as the "National Summit Conference on Education Act of 1984".

(b)(1) The Congress finds that—

(A) increased economic competition requires the development of a better trained and educated workforce which our educational institutions must provide;

(B) problems and deficiencies in American elementary and secondary education require consideration of possible new directions in setting national education policy; and

(C) there should be a National Summit Conference on Education authorized by law by Congress to provide directions for such policy, and any conference established by the Department of Education should be complementary to the National Summit Conference on Education.

(2) For the purpose of this section, the term "Conference" means the National Summit Conference on Education established by this title.

Appropriation authorization.

(c) There are authorized to be appropriated to the Department of Education $500,000 for the purpose of conducting a National Summit Conference on Education, in accordance with the provisions of this section.

(d) The participants in the Conference shall consist of not more than two hundred individuals. The participants in the Conference shall be representative of teachers, parents, school administrators, school board members, State education officials, State legislators, Governors, students, business, labor, and special populations, including females, racial and ethnic minorities, and the disabled. The participants in the Conference shall be selected so as to provide racial, political, and geographic balance.

(e) The participants in the Conference shall be chosen from among nominees submitted to the Executive Committee (established pursuant to section 605) by organizations representing public and private elementary and secondary education, vocational education, adult education, teacher training, women, racial and ethnic minorities, and the handicapped, as well as from among nominees supplied by organizations representing business, organized labor, parents, libraries, and all levels of government.

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(f)(1) There shall be an Executive Committee of the Conference consisting of—

(A) two individuals appointed by the President,

(B) two individuals appointed by the Speaker of the House of Representatives,

(C) two individuals appointed by the Majority Leader of the Senate, and

(D) six individuals appointed by the Governors of the States acting as a group.

The six individuals appointed by the Governors shall be appointed from individuals representing chief State school officers, local and State school boards, State legislatures, and Governors.

(2) The Executive Committee shall be responsible for selecting a presiding officer and for selecting the organizations (described in section 604) to supply a list of nominees for selection as participants in the Conference. Not less than 30 organizations shall be so selected by the Executive Committee. Each organization selected shall nominate at least the number of individuals specified by the Executive Committee for that organization in order to provide the representation required by sections 603 and 604. The Executive Committee shall determine the total number of individuals to be selected for participation, consistent with the requirements of this title.

(3) The Executive Committee shall serve without compensation.

(g) The Executive Committee shall appoint and fix the compensation of such staff as may be necessary, not to exceed the equivalent of four full-time employees. The staff shall assist the Executive Committee in planning, conducting, and completing the work of the Conference. The administrative support for the staff and the Executive Committee shall be the responsibility of the Department of Education in conjunction with the Speaker of the House of Representatives and the Majority Leader of the Senate. The staff and the Executive Committee shall report, through properly established lines of authority, to the Congress.

Report.

(h)(1) A majority of participants of the Conference shall constitute a quorum if votes are required. If task forces are created, the majority of task force participants shall constitute a quorum if a vote is required.

(2)(A) The Executive Committee shall select the Conference site and shall determine the duration of the Conference. The duration of the Conference shall not exceed six days. Neither the regional meetings (described in section 608(a)) nor the Conference shall meet before January 1, 1985.

(B) The Conference shall prepare and transmit a written record of its recommendations to the President, to the Congress, and to the States not later than four months after the last meeting of the Conference.

(i)(1) The Executive Committee, using data concerning education supplied by the Secretary of Education and by the States, shall develop an agenda for the Conference prior to the Conference. The data will include information furnished to the Secretary from statewide and regional summit conferences devoted to obtaining citizen views about education. The purpose of this agenda shall be to facilitate the development of recommendations on various issues raised by such recently issued education reports as the report of the

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National Commission on Excellence in Education, the Carnegie Report on American High Schools, the National Science Boards' Report on Mathematics, Science and Technology Education, and others.

(2) The agenda so developed shall take into account that it shall be the purpose of the Conference to create national bipartisan support for education at all levels of government, and to make recommendations for the development of viable local, State, and national intergovernmental and intragovernmental cooperation in education to make the most efficient use of funds from all levels of government.

(3) The agenda shall also provide for procedures for determining national consensus regarding types of strategies to be used and the appropriate levels of government to have primary responsibility for implementing educational policy.

VOCATIONAL EDUCATION POLICY

20 USC 2301 note.

SEC. 6. It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, and community colleges school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.

JOB TRAINING REGULATIONS

29 USC 1551 note.
29 USC 1501 note.
29 USC 1551.

SEC. 7. Notwithstanding section 629.38(e)(2)(iii) of title 20 of the Code of Federal Regulations, relating to allowable training costs under the Job Training Partnership Act, payment for training packages purchased competitively pursuant to section 141(d)(3) of such Act in the case of youth shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in section 106(b)(2) of such Act.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 4164 (S. 2341):

HOUSE REPORTS: No. 98-612 (Comm. on Education and Labor) and No. 98-1129 (Comm. of Conference).

SENATE REPORT No. 98-507 accompanying S. 2341 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 7, 8, considered and passed House.
Aug. 8, considered and passed Senate, amended, in lieu of S. 2341.
Oct. 3, Senate agreed to conference report.
Oct. 4, House agreed to conference report.

Public Law 98-241
98th Congress

An Act

To authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes.

Mar. 22, 1984
[S. 820]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

96 Stat. 2533.
42 USC 7706.

"(5) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, for the fiscal year ending September 30, 1984, $3,705,000, and for the fiscal year ending September 30, 1985, $6,096,000.".

42 USC 7704, 7705.

(b) Section 7(b) of such Act is amended by striking out "and" after "1982;" and by inserting "; $35,524,000 for the fiscal year ending September 30, 1984, and $37,300,200 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1982;" and by inserting "; $25,800,000 for the fiscal year ending September 30, 1984; and $28,665,000 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out "and" after "1982;" and by inserting "; $475,000 for the fiscal year ending September 30, 1984; and $498,750 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "1982 and" and by inserting in lieu thereof "1982," and by inserting "September 30, 1984, and September 30, 1985," before "there are authorized".

TITLE II—FIRE PREVENTION AND CONTROL

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 is amended by adding at the end thereof the following:

15 USC 2216.

"(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

15 USC 2214.

"(1) $15,720,000 for the fiscal year ending September 30, 1984, and $20,983,000 for the fiscal year ending September 30, 1985; and

"(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

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The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards."

SEC. 202. Section 15 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2214), is further amended by striking the words ", the Secretary of Defense," where such appears in subsections (b)(2), (c), (e)(1)(A), and (f).

Voluntarism.

SEC. 203. It is the sense of the Congress that special recognition should be made of volunteer fire companies for their contribution to the public safety, accomplished in the highest traditions of the American voluntary spirit, and offering proof that locally based, nonfederally sponsored efforts provide the American people with outstanding service.

Approved March 22, 1984.

LEGISLATIVE HISTORY—S. 820 (H.R. 2465):

HOUSE REPORTS: No. 98-99, Pts. 1 and 3 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Science and Technology) all accompanying H.R. 2465.
SENATE REPORT: No. 98-42 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Apr. 7, considered and passed Senate.
Vol. 130 (1984): Feb. 1, H.R. 2465 considered and passed House; S. 820, amended, passed in lieu.
Mar. 8, Senate concurred in House amendments.

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Public Law 98-242
98th Congress

An Act

Mar. 22, 1984
[S. 684]

To authorize an ongoing program of water resources research, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Resources Research Act of 1984.

TITLE I

42 USC 10301 note.

SEC. 101. This Act may be cited as the "Water Resources Research Act of 1984".

42 USC 10301.

SEC. 102. The Congress finds and declares that—

(1) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(2) the management of water resources is closely related to maintaining environmental quality and social well-being;

(3) there is an increasing threat of impairment to the quantity and quality of surface and groundwater resources;

(4) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(5) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(6) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(7) the Nation must provide programs to strengthen research and associated graduate education because the pool of scientists,

engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

Science and technology. 42 USC 10302.

SEC. 103. It is the purpose of this Act to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(1) assure supplies of water sufficient in quantity and quality to meet the Nation's expanding needs for the production of food, materials, and energy;

(2) discover practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(3) assure the protection and enhancement of environmental and social values in connection with water resources management and utilization;

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(4) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(5) coordinate more effectively the Nation's water resources research program; and

(6) promote the development of a cadre of trained research scientists, engineers, and technicians for future water resources problems.

Research and development. 42 USC 10303.

SEC. 104. (a) Subject to the approval of the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") under this section, one water resources research and technology institute, center, or equivalent agency (hereafter in this Act referred to as the "institute") may be established in each State (as used in this Act, the term "State" includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands and the Trust Territory of the Pacific Islands) at a college or university which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C. 301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or at some other institution designated by act of the legislature of the State concerned. If there is more than one such college or university in a State established in accordance with such Act of July 2, 1862, the institute in such State shall, in the absence of a designation to the contrary by act of the legislature of the State, be established at the one such college or university designated by the Governor of the State. Two or more States may cooperate in the establishment of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such single or regional institute.

7 USC 301.

(b) Each institute shall—

(1) plan, conduct, or otherwise arrange for competent research with respect to water resources, including investigations and experiments of either a basic or practical nature, or both; promote the dissemination and application of the results of these efforts; and provide for the training of scientists and engineers through such research, investigations, and experiments, and

(2) cooperate closely with other colleges and universities in the State that have demonstrated capabilities for research, information dissemination, and graduate training in order to develop a statewide program designed to resolve State and regional water and related land problems.

Each institute shall also cooperate closely with other institutes and other organizations in the region to increase the effectiveness of the institutes and for the purpose of regional coordination.

Grants.

(c) From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, and September 30, 1988, and two non-Federal dollars for each Federal dollar during the fiscal year ending September 30, 1989.

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(d) Prior to and as a condition of the receipt each fiscal year of funds appropriated under subsection (f) of this section, each institute shall submit to the Secretary for his approval a water research program that includes assurances, satisfactory to the Secretary, that such program was developed in close consultation and collaboration with the director of that State's department of water resources or similar agency, other leading water resources officials within the State, and interested members of the public. The program described in the preceding sentence shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the State and Nation, and shall encourage regional cooperation among institutes in research into areas of water management, development, and conservation that have a regional or national character.

(e)(1) The Secretary shall establish procedures for a careful and detailed evaluation of each institute to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting and arranging for research warrants its continued support under this section in the national interest. The evaluation of each institute shall be made by a team of knowledgeable individuals including employees of the Department of the Interior, university faculty or administrators, water research institute directors from other institutes, State or local water resource agency personnel, and private citizens selected for this purpose. The Secretary may also secure the cooperation of the National Research Council/National Academy of Science. The evaluation team shall visit the institute and shall assess the scientific quality of its research program, the potential effectiveness of its research in meeting water resource needs, and the demonstrated performance in making research results available to users in the State and elsewhere. Criteria for making the determination that an institute is an effective instrument for water resources research shall include the following: accreditation in sufficient disciplines to successfully mount a multidisciplinary research program; sufficient resources, including laboratory, library, computer, and support facilities; a sufficiently close administrative relation and physical proximity to the university and to all the parts of it needed to provide an effective working relationship with researchers in a wide range of disciplines; and institutional commitment to the support and continuation of an effective water research program.

(2) The Secretary shall arrange for each of the institutes supported under this section to be evaluated under this subsection within two years after its establishment and to be reevaluated at intervals not to exceed four years. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualification is reestablished to the satisfaction of the Secretary.

Appropriation authorization.

(f)(1) For the purpose of carrying out this section, there is authorized to be appropriated to the Secretary the sum of $10,000,000 for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

(2) Any sums appropriated under this subsection but which fail to be obligated by the close of the fiscal year for which they were appropriated shall be transferred by the Secretary and available for obligation during the succeeding fiscal year under the terms of section 106 of this Act.

Grants.
42 USC 10304.

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SEC. 105. (a)(1) In addition to the grants authorized by section 104 of this Act, the Secretary is authorized to make grants, on a dollar-for-dollar matching basis, to the institutes established under such section, as well as other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or State government for research concerning any aspect of a water resource-related problem which the Secretary may deem to be in the national interest. Such grants shall be made with such advice and review by peer or other expert groups of appropriate interdisciplinary composition as the Secretary deems appropriate on the basis of the merits of the project and the need for the knowledge such project is expected to produce upon completion.

(2) Research funded under this section should to the extent possible utilize the best qualified graduate students so the Nation profits from the education and training benefits resulting from the use of the latest in technological developments in solving water problems.

(3) In cases where the Secretary determines, in accordance with criteria established by him, that research under this section is of a basic nature which would not otherwise be undertaken, the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1) of this subsection.

(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the Nation as well as to the region and State concerned, its relation to other research projects previously or currently being pursued, and the extent to which it will provide an opportunity for the training of water resources scientists.

Appropriation authorization.

(c) There is authorized to be appropriated to the Secretary the sum of $20,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

Grants.
Contracts with U.S.
42 USC 10305.

SEC. 106. (a)(1) The Secretary shall make grants or contracts in addition to those authorized under sections 104 and 105 to educational institutions, private firms, private foundations, individuals, and agencies of local or State governments for technology development concerning any aspect of water-related technology which the Secretary may deem to be of State, regional, and national importance, including technology associated with improvement of waters of impaired quality and the operation of test facilities. Such grants or contracts shall be made on the basis of the merit and feasibility of the project based on expert evaluation as deemed appropriate by the Secretary, taking care to protect proprietary information of private firms or individuals associated with the technology.

(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the technology needs for water resources in the Nation.

(b) Each application for a grant or contract under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, the facilities of the organization performing the technology development, the importance of the project to the Nation, region, and State concerned, and the potential benefit to be accrued from the development.

98 STAT. 101

Appropriation authorization.

(c)(1) There is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989, such sums to remain available until expended.

(2) In addition to sums available under the terms of paragraph (1) of this subsection, the Secretary is also authorized to obligate funds under this section if such funds are transferred under the terms of section 104(f)(2) of this Act.

42 USC 10306.

SEC. 107. From the sums appropriated pursuant to this Act, not more than 15 per centum shall be utilized for administrative costs.

Research and development.
42 USC 10307.

SEC. 108. The type of research and development to be undertaken under the authority of sections 105 and 106 of this Act and to be encouraged by the institutes established under section 104 of this Act shall include the following:

(1) Aspects of the hydrologic cycle;

(2) Supply and demand for water;

(3) Demineralization of saline and other impaired waters;

(4) Conservation and best use of available supplies of water and methods of increasing such supplies;

(5) Water reuse;

(6) Depletion and degradation of groundwater supplies;

(7) Improvements in the productivity of water when used for agricultural, municipal, and commercial purposes;

(8) The economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems;

(9) Scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research on water resources problems; and

(10) Providing means for improved communication of research results, having due regard for the varying conditions and needs for the respective States and regions.

Patents.
42 USC 10308.

SEC. 109. Notwithstanding any other provision of law, the Secretary shall be governed by the provisions of sections 9 (except subsections (l) and (n)) and 10 of the Federal Nonnuclear Energy, Research, and Development Act of 1974 (Public Law 93-577; 88 Stat. 1887, 1891; 42 U.S.C. 5908-5909) with respect to patent policy and to the definition of title to and licensing of inventions made or conceived in the course of work performed, or under any contract or grant made, pursuant to this Act. Subject to such patent policy, all research or development contracted for, sponsored, cosponsored, or authorized under authority of this Act shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development shall (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public.

Repeal.
42 USC 7801 *et seq.*
42 USC 7801 note.

SEC. 110. (a) Public Law 95-467 is repealed.

(b) Rules and regulations issued prior to the date of enactment of this Act under the authority of Public Law 95-467 shall remain in full force and effect under this Act until superseded by new rules and regulations promulgated under this Act.

42 USC 10309.
2 USC 651.

SEC. 111. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

98 STAT. 102

TITLE II

Wrightsville Beach, N.C.
Public lands

SEC. 201. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than January 24, 1984, and without consideration, all right, title, and interest of the United States in the real property description in subsection (b) of this section to the town of Wrightsville Beach, North Carolina.

(2) The conveyance of real property described in subsection (b)(1) of this section, which constitutes the Wrightsville Beach Test Facility, to such town shall be made by the Secretary on the condition that, during the period beginning on the date of such conveyance and ending on January 24, 1988, such facility is—

(A) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization of other related research.

(b) The real property referred to in subsection (a) is real property located in the town of Wrightsville Beach, North Carolina, as follows:

(1) Real property which constitutes the Wrightsville Beach Test Facility and may be described as beginning at a point in the old northern line of United States Highway 76, said point located north 51 degrees 05 minutes west 530.00 feet as measured with said line from the southeast corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; running thence from said beginning north 38 degrees 55 minutes east 660.00 feet to a point; thence north 51 degrees 05 minutes west 129.80 feet to a point; thence north 38 degrees 56 minutes 30 seconds east 157.89 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 101.40 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence with said southern line south 77 degrees 53 minutes west 563.57 feet to a point; thence south 38 degrees 55 minutes west 554.52 feet to a point in the old northern line of United States Highway 76; thence with said old northern line south 51 degrees 05 minutes east 538.47 feet to the point of beginning, containing 9.57 acres.

(2)(A) Real property which is adjacent to such Facility and may be described as beginning at a point in the old northern right of way line of United States Highway 76 (Wrightsville Causeway) at the southeastern corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; said southeast corner north 51 degrees 05 minutes west 862.6 feet as measured with said northern line from its intersection with the extension of the western line of Island Drive, Shore Acres; running thence from said beginning south 38 degrees 55 minutes west 150.00 feet to a point in the new northern right of way line of United States Highway 76; thence with said line north 51 degrees 05 minutes west 530.00 feet to a point; thence north 38 degrees 55 minutes east 150.00 feet to a point in said old northern right of way line; thence continuing north 38 degrees 55 minutes east 660.00 feet to a point; thence continuing north 38 degrees 55 minutes east 140.11 feet to a point; thence north 12 degrees 27 minutes 30 seconds west 108.44 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 34.31 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence north 77 degrees 53 minutes east 240.00 feet to the northernmost corner of said tract numbered 1, map book 7, page 40; thence with the eastern lines of said tract numbered 1 south 12 degrees 07 minutes east 723.8 feet to its easternmost corner; thence continuing with said eastern line south 38 degrees 55 minutes west 723.8 feet to the point of beginning, containing 14.079 acres.

98 STAT. 103

(B) Beginning at a point in the old northern right of way of United States Highway 76 (Causeway Drive) and the southern line of tract numbered 1 as shown by map, "Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry, said point located north 51 degrees 05 minutes west 1068.47 feet as with said line from the southeastern corner of said tract numbered 1; running thence from said beginning with said line north 51 degrees 05 minutes west 322.62 feet to a point in the new right of way of United States Highway 76; thence with said new right of way north 19 degrees 27 minutes 15 seconds west 32.01 feet to an iron rod; thence continuing with said new right of way north 33 degrees 42 minutes 15 seconds east 94.98 feet to an iron rod in the southern right of way of United States Highway 74; thence with said southern line north 77 degrees 53 minutes east 570.17 feet to an iron pipe; thence south 38 degrees 55 minutes west 554.55 feet to the point of beginning, containing 2.72 acres and being the western portion of said tract numbered 1 recorded in map book 7, page 40.

Roswell, N. Mex. Public lands.

SEC. 202. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b) of this section, which constitutes the Roswell Test Facility, to the city of Roswell, New Mexico.

(2) Such conveyance shall be made on the condition that, during the period beginning on the date of such conveyance and ending on December 31, 1987, such facility is—

(A) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization or other related research.

(b) The real property referred to in subsection (a) of this section shall consist of so much of the real property located in the county of Chaves, New Mexico, as constitutes the Roswell Test Facility. Such real property shall consist of—

(1) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated April 13, 1961, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 205, page 406, and more fully describing such lands as being—

A tract of land lying and being situated in the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as; beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east at 137 feet distant from the southwest corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 455 feet; thence north 78 degrees 03 minutes east, a distance of 531.9 feet; thence south 25 degrees 00 minutes east, a distance of 450.1 feet; thence southwesterly along a curve to the right, the arc which bears south 77 degrees 43 minutes west, a distance of 760.4 feet to the point of beginning, containing 6.94304 acres, and

(2) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated June 18, 1968, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 250, page 390, and more fully describing such lands as being—

A tract of land lying and being situated in the west half of the west half of the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 57 minutes east 592 feet distant from the southeast corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 911.5 feet; thence south 39 degrees 33 minutes east, a distance of 179.00 feet; thence south 27 degrees 35 minutes east, a distance of 1,193.00 feet; thence southwesterly along the north highway right-of-way line on a curve to the right of 5,655 feet radius through an included angle of 0 degrees 13 minutes, a distance of 21.31 feet; thence north 25 degrees 00 minutes west, a distance of 444.26 feet; thence south 78 degrees 03 minutes west, a distance of 531.9 feet to the point of beginning containing 5,795 acres, more or less. Note: The east boundary of this tract of land lies 50 feet west of the center line of the Hagerman canal, together with water rights appurtenant thereto.

SEC. 203. Each conveyance issued by the Secretary pursuant to the provisions of this title shall contain a clause providing that the title to the lands and facilities conveyed shall revert to the United States should such lands or facilities be used for other than a public purpose following the date of conveyance.

THOMAS P. O'NEILL, JR.
Speaker of the House of Representatives.

STROM THURMOND
President of the Senate pro Tempore

IN THE SENATE OF THE UNITED STATES,
March 21 (legislative day, March 19), 1984.

The Senate having proceeded to reconsider the bill (S. 684) entitled "An Act to authorize an ongoing program of water resources research, and for other purposes", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

98 STAT. 105

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

WILLIAM F. HILDENBRAND
Secretary.

I certify that this Act originated in the Senate.

WILLIAM F. HILDENBRAND
Secretary.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
March 22, 1984.

The House of Representatives having proceeded to reconsider the bill (S. 684) entitled "An Act to authorize an ongoing program of water resources research, and for other purposes", returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

BENJAMIN J. GUTHRIE
Clerk.

LEGISLATIVE HISTORY—S. 684 (H.R. 2911):

HOUSE REPORT No. 98-416 accompanying H.R. 2911 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-91 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
  Vol. 129 (1983): May 25, considered and passed Senate.
    Oct. 31, H.R. 2911 considered and passed House; S. 684, amended, passed in lieu.
    Nov. 18, Senate concurred in House amendments with an amendment.
  Vol. 130 (1984): Feb. 7, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 8 (1984):
  Feb. 21, Presidential veto message.
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Mar. 21, Senate overrode veto.
  Mar. 22, House overrode veto.

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98 STAT. 235

Public Law 98-313
98th Congress

An Act

June 12, 1984
[S. 518]

To establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Environmental Programs Assistance Act of 1984.

SHORT TITLE

42 USC 4368a note.

SECTION 1. This Act may be cited as the "Environmental Programs Assistance Act of 1984".

ENVIRONMENTAL PROGRAMS

Aged persons.
42 USC 4368a.
42 USC 3056.

SEC. 2. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Administrator of the Environmental Protection Agency is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Administrator (and consistent with such provisions of law) in providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control. Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and title IV of the Job Training Partnership Act.

42 USC 3056.
29 USC 1671.
Employment and unemployment.

(b) Prior to awarding any grant or agreement under subsection (a), the applicable Federal, State, or local environmental agency shall certify to the Administrator that such grants or agreements will not—

(1) result in the displacement of individuals currently employed by the environmental agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(2) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the environmental agency concerned; or

(3) affect existing contracts for services.

(c) Grants or agreements awarded under this Act shall be subject to prior appropriation Acts.

Approved June 12, 1984.

LEGISLATIVE HISTORY—S. 518:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 26, considered and passed Senate.
May 23, considered and passed House, amended.
May 24, Senate concurred in House amendment.

Public Law 98-553
98th Congress

98 STAT. 2825

An Act

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974.

Oct. 30, 1984
[S. 1291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1984 AND 1985

SEC. 101. There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, for the fiscal years 1984 and 1985 to remain available until expended, $466,800,000 for fiscal year 1984 and $460,000,000 for fiscal year 1985.

42 USC 2017.
42 USC 5875.

SEC. 102. (a) The sums authorized to be appropriated in this Act for fiscal years 1984 and 1985 shall be allocated as follows:

(1) not more than $91,490,000 for fiscal year 1984 and $87,140,000 for fiscal year 1985, may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review;

(2) not more than $70,910,000 for fiscal year 1984 and $74,770,000 for fiscal year 1985, may be used for "Inspection and Enforcement";

(3) not more than $36,280,000 for fiscal year 1984 and $35,710,000 for fiscal year 1985, may be used for "Nuclear Material Safety and Safeguards";

(4) not more than $199,740,000 for fiscal year 1984 and $193,290,000 for fiscal year 1985, may be used for "Nuclear Regulatory Research", of which an amount not to exceed $2,600,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(5) not more than $27,520,000 for fiscal year 1984 and $27,470,000 for fiscal year 1985, may be used for "Program Technical Support";

(6) not more than $40,860,000 for fiscal year 1984 and $41,620,000 for fiscal year 1985, may be used for "Program Direction and Administration".

Grants.

(b) The Nuclear Regulatory Commission may use not more than 1 per centum of the amounts authorized to be appropriated under paragraph 102(a)(4) to exercise its authority under section 31 a. of the Atomic Energy of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such paragraph. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection 102(a) for purposes of the program referred to in such paragraph, may be reallocated by the Commission for use in a program referred to in any other paragraph of such subsection, or for use in any other activity within a program, except that the amount available from appropriations for such fiscal year for use in any program or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of thirty calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

SEC. 103. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

31 USC 3302.

SEC. 104. From amounts appropriated to the Nuclear Regulatory Commission pursuant to this title, the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

SEC. 105. Notwithstanding any other provisions of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Report.
Prohibition.

SEC. 106. (a) No funds authorized to be appropriated under this Act may be used to carry out any policy or program for the decentralization or regionalization of any Nuclear Regulatory Commission authorities regarding commercial nuclear powerplant licensing until sixty legislative days after the date on which the Commission submits to the Congress a report evaluating the effect of such policy or program on nuclear reactor safety: *Provided, however,* That the prohibition contained in this subsection shall not apply to any personnel assigned to the field, or to activities in which they were engaged, on or before September 22, 1983. The report shall include—

(1) a detailed description of the authorities to be transferred, the reason for such transfer, and an assessment of the effect of such transfer on nuclear reactor safety;

98 STAT. 2827

(2) an analysis of all comments submitted to the Commission regarding the effect on nuclear reactor safety which would result from carrying out the policy or program proposed by the Commission; and

(3) an evaluation of the results, including the advantages and disadvantages, of the pilot program conducted under subsection (b).

(b) Notwithstanding the prohibition contained in subsection (a), the Commission is authorized to conduct a pilot program for the purpose of evaluating the concept of delegating authority to regional offices for issuance of specific types of operating reactor licensing actions and for the purpose of addressing the issues identified in paragraphs (a)(1)-(3) of this section.

SEC. 107. (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1984 and 1985, such sums as may be necessary are authorized to be used by the Nuclear Regulatory Commission for—

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the small test prototype nuclear data link program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

(2) a full and complete analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission:

Provided, however, That no funds shall be available under this Act for the acquisition and installation of any equipment for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors, or for the analysis of such equipment, unless such acquisition and analysis includes, as one of the alternatives considered, a fully automated electronic nuclear data link. The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

SEC. 108. Of the amounts authorized to be appropriated under this Act, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

42 USC 2242.

98 STAT. 2828

SEC. 109. Notwithstanding the second sentence of section 103 d. and the second sentence of section 104 d. of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission is hereby authorized to transfer Facility Operating License numbered R-81 to a United States entity or corporation owned or controlled by a foreign corporation if the Commission—

42 USC 2133.
42 USC 2134.

(1) finds that such transfer would not be inimical to the common defense and security or to the health and safety of the public; and

(2) includes in such license, as transferred, such conditions as the Commission deems necessary to ensure that such foreign corporation cannot direct the actions of the licensee in ways that would be inimical to the common defense and security or the health and safety of the public.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 1291 (S. 2846) (H.R. 2510):

HOUSE REPORTS: No. 98-103, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Energy and Commerce) both accompanying H.R. 2510.
SENATE REPORTS: No. 98-118 (Comm. on Environment and Public Works); No. 98-546 (Comm. on Environment and Public Works); No. 98-579 (Comm. on Energy and Natural Resources) both accompanying S. 2846.
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 10, considered and passed Senate.
Oct. 11, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 44 (1984):
Oct. 30, Presidential statement.

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98 STAT. 3093

Public Law 98-581
98th Congress

An Act

Oct. 30, 1984
[H.R. 4585]

To authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374(c)) is amended by adding at the end thereof the following new paragraph:

"(d) $480,000 for each of the fiscal years ending September 30, 1985 and September 30, 1986.".

SEC. 2. The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371-4374) is further amended by adding at the end thereof the following new section:

"OFFICE MANAGEMENT FUND

Establishment.
42 USC 4375.

"SEC. 206. (a) There is established an Office of Environmental Quality Management Fund (hereinafter referred to as the 'Fund') to receive advance payments from other agencies or accounts that may be used solely to finance—

"(1) study contracts that are jointly sponsored by the Office and one or more other Federal agencies; and

"(2) Federal interagency environmental projects (including task forces) in which the Office participates.

"(b) Any study contract or project that is to be financed under subsection (a) may be initiated only with the approval of the Director.

Regulations.

"(c) The Director shall promulgate regulations setting forth policies and procedures for operation of the Fund.".

SEC. 3. Section 2(1) of the Act entitled "An Act to establish the Tensas River National Wildlife Refuge", approved June 28, 1980 (19 U.S.C. 668dd note), is amended—

16 USC 668dd note.

(1) by inserting "(A)" immediately after "includes"; and

(2) by inserting immediately before the period at the end thereof the following: "; and (B) any additional lands and waters, and interests therein, adjacent to the boundaries

depicted on that map that are considered appropriate for inclusion in the refuge by the Secretary". 98 STAT. 3094

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 4585 (S. 2703):

HOUSE REPORT No. 98-702 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-474 accompanying S. 2703 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 30, May 1, considered and passed House.
  June 21, considered and passed Senate, amended.
  Aug 9, House concurred in Senate amendment with amendments.
  Oct. 10, Senate concurred in House amendments.

Public Law 98-616
98th Congress

98 STAT. 3221

An Act

To amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1985 through 1988, and for other purposes.

Nov. 8, 1984
[H.R. 2867]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Hazardous and Solid Waste Amendments of 1984.
42 USC 6901 note.
Pollution.

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as "The Hazardous and Solid Waste Amendments of 1984".

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Sec. 403. Enforcement.
Sec. 404. Public participation in settlements.
Sec. 405. Interim control of hazardous waste injection.

TITLE V—PROVISIONS RELATING TO SEVERAL SUBTITLES OF THE SOLID WASTE DISPOSAL ACT

Sec. 501. Use of recovered materials by Federal agencies.
Sec. 502. Technical and clerical amendments.

TITLE VI—UNDERGROUND STORAGE TANKS

Sec. 601. Underground storage tank regulation.

TITLE VII—OTHER PROVISIONS

Sec. 701. Report to Congress on injection of hazardous waste.
Sec. 702. Extending the useful life of sanitary landfills.
Sec. 703. Uranium mill tailings.
Sec. 704. National Ground Water Commission.

AUTHORIZATIONS FOR FISCAL YEARS 1985 THROUGH 1988

42 USC 6916. Sec. 2. (a) Section 2007(a) of the Solid Waste Disposal Act (relating to general authorization) is amended by striking out "and $80,000,000 for the fiscal year ending September 30, 1982" and substituting "$80,000,000 for the fiscal year ending September 30, 1982, $70,000,000 for the fiscal year ending September 30, 1985, $80,000,000 for the fiscal year ending September 30, 1986, $80,000,000 for the fiscal year ending September 30, 1987, and $80,000,000 for the fiscal year 1988".

42 USC 6931. (b) Section 3011(a) of the Solid Waste Disposal Act (relating to State hazardous waste programs) is amended by striking out "and $40,000,000 for fiscal year 1982" and substituting "$40,000,000 for the fiscal year 1982, $55,000,000 for the fiscal year 1985, $60,000,000 for the fiscal year 1986, $60,000,000 for the fiscal year 1987, and $60,000,000 for the fiscal year 1988".

42 USC 6933. (c) Section 3012 of the Solid Waste Disposal Act (relating to the hazardous waste inventory) is amended by striking out "$20,000,000" in subsection (c)(2) and inserting in lieu thereof "$25,000,000 for each of the fiscal years 1985 through 1988".

42 USC 6948. (d) Section 4008(a)(1) of the Solid Waste Disposal Act (relating to development and implementation assistance) is amended by striking out "and $20,000,000 for fiscal year 1982" and substituting

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"$20,000,000 for the fiscal year 1982, and $10,000,000 for each of the fiscal years 1985 through 1988".

(e) Section 4008(a)(2)(C) of the Solid Waste Disposal Act (relating to implementation assistance) is amended by striking out "and $10,000,000 for fiscal year 1982" and substituting "$10,000,000 for fiscal year 1982, and $10,000,000 for each of the fiscal years 1985 through 1988".

42 USC 6948.

"(f) UNDERGROUND STORAGE TANKS.—(1) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of subtitle I (relating to regulation of underground storage tanks), $10,000,000 for each of the fiscal years 1985 through 1988.

Post, p. 3277.

(g) Section 4008 of the Solid Waste Disposal Act (relating to Federal assistance for certain programs) is amended in paragraph (4) of subsection (f) (relating to assistance to States for discretionary programs for recycled oil) by striking out "and $5,000,000 for fiscal year 1983" and substituting ", $5,000,000 for fiscal year 1983, and $5,000,000 for each of the fiscal years 1985 through 1988".

(h) Section 5006 of the Solid Waste Disposal Act (relating to Department of Commerce functions) is amended by inserting after "1982" the following "and $1,500,000 for each of the fiscal years 1985 through 1988".

42 USC 6956.

(i) Section 2007 of the Solid Waste Disposal Act (relating to criminal investigators) is amended by adding the following new subsections at the end thereof:

42 USC 6916.

"(e) CRIMINAL INVESTIGATORS.—There is authorized to be appropriated to the Administrator $3,246,000 for the fiscal year 1985, $2,408,300 for the fiscal year 1986, $2,529,000 for the fiscal year 1987, and $2,529,000 for the fiscal year 1988 to be used—

"(1) for additional officers or employees of the Environmental Protection Agency authorized by the Administrator to conduct criminal investigations (to investigate, or supervise the investigation of, any activity for which a criminal penalty is provided) under this Act; and

"(2) for support costs for such additional officers or employees.

"(f) UNDERGROUND STORAGE TANKS.—(1) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provisions of subtitle I (relating to regulation of underground storage tanks), $10,000,000 for each of the fiscal years 1985 through 1988.

"(2) There is authorized to be appropriated $25,000,000 for each of the fiscal years 1985 through 1988 to be used to make grants to the States for purposes of assisting the States in the development and implementation of approved State underground storage tank release detection, prevention, and correction programs under subtitle I."

Grants.

(j) There is authorized to be appropriated for purposes of section 221(b) of this Act $500,000 for each of the fiscal years 1985 through 1987.

(k) Section 4008(a)(2) of the Solid Waste Disposal Act is amended by adding the following new subparagraph after subparagraph (C):

42 USC 6948.

"(D) There are authorized—

"(i) to be made available $15,000,000 out of funds appropriated for fiscal year 1985, and

"(ii) to be appropriated for each of the fiscal years 1986 though 1988, $20,000,000

for grants to States (and where appropriate to regional, local, and interstate agencies) to implement programs requiring compliance by solid waste management facilities with the criteria promulgated under section 4004(a) and section 1008(a)(3) and with the provisions of section 4005. To the extent practicable, such programs shall require such compliance not later than thirty-six months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984.".

98 STAT. 3224

42 USC 6944, 6907.

42 USC 6945.

(l) For provisions authorizing the appropriation of funds for the National Ground Water Commission, see section 704 of this Act.

Post, p. 3289.

TITLE I—PROVISIONS RELATING PRIMARILY TO SUBTITLES A AND B OF THE SOLID WASTE DISPOSAL ACT

FINDINGS AND OBJECTIVES OF SOLID WASTE DISPOSAL ACT

42 USC 6901.

SEC. 101. (a) Section 1002(b) of the Solid Waste Disposal Act is amended by—

(1) striking out paragraph (5) and substituting:

"(5) the placement of inadequate controls on hazardous waste management will result in substantial risks to human health and the environment;

"(6) if hazardous waste management is improperly performed in the first instance, corrective action is likely to be expensive, complex, and time consuming;

"(7) certain classes of land disposal facilities are not capable of assuring long-term containment of certain hazardous wastes, and to avoid substantial risk to human health and the environment, reliance on land disposal should be minimized or eliminated, and land disposal, particularly landfill and surface impoundment, should be the least favored method for managing hazardous wastes; and";

(2) redesignating paragraph (6) as paragraph (8); and

(3) striking out the semicolon in redesignated paragraph (8) and substituting a period.

42 USC 6902.

(b) Section 1003 of the Solid Waste Disposal Act is amended by—

(1) adding "AND NATIONAL POLICY" to the title, inserting "(a) OBJECTIVES.—" after "SEC. 1003.", and adding the following new subsection at the end thereof:

Congress

"(b) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment."; and

(2) striking out paragraph (4) of subsection (a) (as designated by paragraph (1) of this subsection), substituting the following new paragraphs in such subsection (a), and redesignating paragraphs (5) through (8) thereof as paragraphs (8) through (11):

"(4) assuring that hazardous waste management practices are conducted in a manner which protects human health and the environment;

"(5) requiring that hazardous waste be properly managed in the first instance thereby reducing the need for corrective action at a future date;

98 STAT. 3225

"(6) minimizing the generation of hazardous waste and the land disposal of hazardous waste by encouraging process substitution, materials recovery, properly conducted recycling and reuse, and treatment;

"(7) establishing a viable Federal-State partnership to carry out the purposes of this Act and insuring that the Administrator will, in carrying out the provisions of subtitle C of this Act, give a high priority to assisting and cooperating with States in obtaining full authorization of State programs under subtitle C;".

DIOXINS FROM RESOURCE RECOVERY FACILITIES

42 USC 6905.

SEC. 102. Section 1006(b) of the Solid Waste Disposal Act is amended by inserting "(1)" after "INTEGRATION WITH OTHER ACTS.—" and by adding the following new paragraph at the end thereof:

Report.

"(2)(A) As promptly as practicable after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall submit a report describing—

"(i) the current data and information available on emissions of polychlorinated dibenzo-p-dioxins from resource recovery facilities burning municipal solid waste;

"(ii) any significant risks to human health posed by these emissions; and

"(iii) operating practices appropriate for controlling these emissions.

"(B) Based on the report under subparagraph (A) and on any future information on such emissions, the Administrator may publish advisories or guidelines regarding the control of dioxin emissions from such facilities. Nothing in this paragraph shall be construed to preempt or otherwise affect the authority of the Administrator to promulgate any regulations under the Clean Air Act regarding emissions of polychlorinated dibenzo-p-dioxins.". 42 USC 7401 note.

OMBUDSMAN

SEC. 103. (a) Subtitle B of the Solid Waste Disposal Act is amended by inserting the following new section after section 2007:

"OFFICE OF OMBUDSMAN

Establishment. 42 USC 6917.

"SEC. 2008. (a) ESTABLISHMENT; FUNCTIONS.—The Administrator shall establish an Office of Ombudsman, to be directed by an Ombudsman. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests for information submitted by any person with respect to any program or requirement under this Act.

"(b) AUTHORITY TO RENDER ASSISTANCE.—The Ombudsman shall render assistance with respect to the complaints, grievances, and requests submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Administrator.

"(c) EFFECT ON PROCEDURES FOR GRIEVANCES, APPEALS, OR ADMINISTRATIVE MATTERS.—The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this Act, any other provision of law, or any Federal regulation.

"(d) TERMINATION.—The Office of the Ombudsman shall cease to exist 4 years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.".

98 STAT. 3226

(b) The table of contents for such Act is amended by inserting the following new item after the item relating to section 2007:

"Sec. 2008. Office of Ombudsman.".

TITLE II—PROVISIONS RELATING PRIMARILY TO SUBTITLE C OF THE SOLID WASTE DISPOSAL ACT

Subtitle A—Amendments Primarily to Section 3004

LAND DISPOSAL OF HAZARDOUS WASTE

SEC. 201. (a) LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES.—Section 3004 of the Solid Waste Disposal Act is amended by inserting "(a) IN GENERAL.—" after "3004." and by adding the following at the end thereof: 42 USC 6924.

Prohibitions.

"(b) SALT DOME FORMATIONS, SALT BED FORMATIONS, UNDERGROUND MINES AND CAVES.—(1) Effective on the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave is prohibited until such time as—

"(A) the Administrator has determined, after notice and opportunity for hearings on the record in the affected areas, that such placement is protective of human health and the environment;

"(B) the Administrator has promulgated performance and permitting standards for such facilities under this subtitle, and;

"(C) a permit has been issued under section 3005(c) for the facility concerned.

"(2) Effective on the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the placement of any hazardous waste other than a hazardous waste referred to in paragraph (1) in a salt dome formation, salt bed formation, underground mine, or cave is prohibited until such time as a permit has been issued under section 3005(c) for the facility concerned.

Post, pp. 3241, 3242.

"(3) No determination made by the Administrator under subsection (d), (e), or (g) of this section regarding any hazardous waste to which such subsection (d), (e), or (g) applies shall affect the prohibition contained in paragraph (1) or (2) of this subsection.

"(4) Nothing in this subsection shall apply to the Department of Energy Waste Isolation Pilot Project in New Mexico.

"(c) Liquids in Landfills.—(1) Effective 6 months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not absorbents have been added) in any landfill is prohibited. Prior to such date the requirements (as in effect on April 30, 1983) promulgated under this section by the Administrator regarding liquid hazardous waste shall remain in force and effect to the extent such requirements are applicable to the placement of bulk or noncontainerized liquid hazardous waste, or free liquids contained in hazardous waste, in landfills.

Regulations.

"(2) Not later than fifteen months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate final regulations which—

98 STAT. 3227

"(A) minimize the disposal of containerized liquid hazardous waste in landfills, and

"(B) minimize the presence of free liquids in containerized hazardous waste to be disposed of in landfills.

Prohibition.

Such regulations shall also prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operations. Prior to the date on which such final regulations take effect, the requirements (as in effect on April 30, 1983) promulgated under this section by the Administrator shall remain in force and effect to the extent such requirements are applicable to the disposal of containerized liquid hazardous waste, or free liquids contained in hazardous waste, in landfills.

"(3) Effective twelve months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the placement of any liquid which is not a hazardous waste in a landfill for which a permit is required under section 3005(c) or which is operating pursuant to interim status granted under section 3005(e) is prohibited unless the owner or operator of such landfill demonstrates to the Administrator, or the Administrator determines, that—

Post, pp. 3241, 3242.

"(A) the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted under section 3005(c) or operating pursuant to interim status under section 3005(e), which contains, or may reasonably be anticipated to contain, hazardous waste; and

"(B) placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water.

As used in subparagraph (B), the term 'underground source of drinking water' has the same meaning as provided in regulations under the Safe Drinking Water Act (title XIV of the Public Health Service Act).

42 USC 201 note.
42 USC 300f.

"(4) No determination made by the Administrator under subsection (d), (e), or (g) of this section regarding any hazardous waste to which such subsection (d), (e), or (g) applies shall affect the prohibition contained in paragraph (1) of this subsection.

"(d) PROHIBITIONS ON LAND DISPOSAL OF SPECIFIED WASTES.—(1) Effective 32 months after the enactment of the Hazardous and Solid Waste Amendments of 1984 (except as provided in subsection (f) with respect to underground injection into deep injection wells), the land disposal of the hazardous wastes referred to in paragraph (2) is prohibited unless the Administrator determines the prohibition on one or more methods of land disposal of such waste is not required in order to protect human health and the environment for as long as the waste remains hazardous, taking into account—

"(A) the long-term uncertainties associated with land disposal,

"(B) the goal of managing hazardous waste in an appropriate manner in the first instance, and

"(C) the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous wastes and their hazardous constituents.

For the purposes of this paragraph, a method of land disposal may not be determined to be protective of human health and the environment for a hazardous waste referred to in paragraph (2) (other than a hazardous waste which has complied with the pretreatment regulations promulgated under subsection (m)), unless, upon application by an interested person, it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

98 STAT. 3228

"(2) Paragraph (1) applies to the following hazardous wastes listed or identified under section 3001:

42 USC 6921.

"(A) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l.

"(B) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

"(i) arsenic and/or compounds (as As) 500 mg/l;

"(ii) cadmium and/or compounds (as Cd) 100 mg/l;

"(iii) chromium (VI and/or compounds (as Cr VI)) 500 mg/l;

"(iv) lead and/or compounds (as Pb) 500 mg/l;

"(v) mercury and/or compounds (as Hg) 20 mg/l;

"(vi) nickel and/or compounds (as Ni) 134 mg/l;

"(vii) selenium and/or compounds (as Se) 100 mg/l; and

"(viii) thallium and/or compounds (as Th) 130 mg/l.

"(C) Liquid hazardous waste having a pH less than or equal to two (2.0).

"(D) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm.

"(E) Hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg.

When necessary to protect human health and the environment, the Administrator shall substitute more stringent concentration levels than the levels specified in subparagraphs (A) through (E).

"(3) During the period ending forty-eight months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, this subsection shall not apply to any disposal of contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under this subtitle.

42 USC 9604, 9606.

Prohibition.

"(e) SOLVENTS AND DIOXINS.—(1) Effective twenty-four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 (except as provided in subsection (f) with respect to underground injection into deep injection wells), the land disposal of the hazardous wastes referred to in paragraph (2) is prohibited unless the Administrator determines the prohibition of one or more methods of land disposal of such waste is not required in order to protect human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in subparagraph (A) through (C) of subsection (d)(1). For the purposes of this paragraph, a method of land disposal may not be determined to be protective of human health and the environment for a hazardous waste referred to in paragraph (2) (other than a hazardous waste which has complied with the pretreatment regulations promulgated under subsection (m)), unless upon application by an interested person it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

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"(2) The hazardous wastes to which the prohibition under paragraph (1) applies are as follows—

"(A) dioxin-containing hazardous wastes numbered F020, F021, F022, and F023 (as referred to in the proposed rule published by the Administrator in the Federal Register for April 4, 1983), and

"(B) those hazardous wastes numbered F001, F002, F003, F004, and F005 in regulations promulgated by the Administrator under section 3001 (40 C.F.R. 261.31 (July 1, 1983)), as those regulations are in effect on July 1, 1983.

"(3) During the period ending forty-eight months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, this subsection shall not apply to any disposal of contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehenisve Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under this subtitle.

42 USC 9604, 9606.

"(f) Disposal into Deep Injection Wells; Specified Subsection (d) Wastes; Solvents and Dioxins.—(1) Not later than forty-five months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall complete a review of the disposal of all hazardous wastes referred to in paragraph (2) of subsection (d) and in paragraph (2) of subsection (e) by underground injection into deep injection wells.

"(2) Within forty-five months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall make a determination regarding the disposal by underground injection into deep injection wells of the hazardous wastes referred to in paragraph (2) of subsection (d) and the hazardous wastes referred to in paragraph (2) of subsection (e). The Administrator shall promulgate final regulations prohibiting the disposal of such wastes into such wells if it may reasonably be determined that such disposal may not be protective of human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in subparagraphs (A) through (C) of subsection (d)(1). In promulgating such regulations, the Administrator shall consider each hazardous waste referred to in paragraph (2) of subsection (d) or in paragraph (2) of subsection (e) which is prohibited from disposal into such wells by any State.

Regulations.
Prohibitions.

Prohibition.

"(3) If the Administrator fails to make a determination under paragraph (2) for any hazardous waste referred to in paragraph (2) of subsection (d) or in paragraph (2) of subsection (e) within forty-five months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, such hazardous waste shall be prohibited from disposal into any deep injection well.

"(4) As used in this subsection, the term 'deep injection well' means a well used for the underground injection of hazardous waste other than a well to which section 7010(a) applies.

"(g) Additional Land Disposal Prohibition Determinations.—(1) Not later than twenty-four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall submit a schedule to Congress for—

"(A) reviewing all hazardous wastes listed (as of the date of the enactment of the Hazardous and Solid Waste Amendments

42 USC 6921.

98 STAT. 3230

of 1984) under section 3001 other than those wastes which are referred to in subsection (d) or (e); and

"(B) taking action under paragraph (5) of this subsection with respect to each such hazardous waste.

"(2) The Administrator shall base the schedule on a ranking of such listed wastes considering their intrinsic hazard and their volume such that decisions regarding the land disposal of high volume hazardous wastes with high intrinsic hazard shall, to the maximum extent possible, be made by the date forty-five months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984. Decisions regarding low volume hazardous wastes with lower intrinsic hazard shall be made by the date sixty-six months after such date of enactment.

44 USC 101 note.

"(3) The preparation and submission of the schedule under this subsection shall not be subject to the Paperwork Reduction Act of 1980. No hearing on the record shall be required for purposes of preparation or submission of the schedule. The schedule shall not be subject to judicial review.

"(4) The schedule under this subsection shall require that the Administrator shall promulgate regulations in accordance with paragraph (5) or make a determination under paragraph (5)—

"(A) for at least one-third of all hazardous wastes referred to in paragraph (1) by the date forty-five months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984;

"(B) for at least two-thirds of all such listed wastes by the date fifty-five months after the date of enactment of such Amendments; and

"(C) for all such listed wastes and for all hazardous wastes identified under 3001 by the date sixty-six months after the date of enactment of such Amendments.

In the case of any hazardous waste identified or listed under section 3001 after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall determine whether such waste shall be prohibited from one or more methods of land disposal in accordance with paragraph (5) within six months after the date of such identification or listing.

Regulations.
Prohibitions.

"(5) Not later than the date specified in the schedule published under this subsection, the Administrator shall promulgate final regulations prohibiting one or more methods of land disposal of the hazardous wastes listed on such schedule except for methods of land disposal which the Administrator determines will be protective of human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in subparagraph (A) through (C) of subsection (d)(1). For the purposes of this paragraph, a method of land disposal may not be determined to be protective of human health and the environment (except with respect to a hazardous waste which has complied with the pretreatment regulations promulgated under subsection (m)) unless, upon application by an interested person, it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

"(6)(A) If the Administrator fails (by the date forty-five months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984) to promulgate regulations or make a determination under paragraph (5) for any hazardous waste which is included in the first one-third of the schedule published under this subsection, such hazardous waste may be disposed of in a landfill or surface impoundment only if—

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"(i) such facility is in compliance with the requirements of subsection (o) which are applicable to new facilities (relating to minimum technological requirements); and

"(ii) prior to such disposal, the generator has certified to the Administrator that such generator has investigated the availability of treatment capacity and has determined that the use of such landfill or surface impoundment is the only practical alternative to treatment currently available to the generator.

The prohibition contained in this subparagraph shall continue to apply until the Administrator promulgates regulations or makes a determination under paragraph (5) for the waste concerned.

"(B) If the Administrator fails (by the date 55 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984) to promulgate regulations or make a determination under paragraph (5) for any hazardous waste which is included in the first two-thirds of the schedule published under this subsection, such hazardous waste may be disposed of in a landfill or surface impoundment only if—

"(i) such facility is in compliance with the requirements of subsection (o) which are applicable to new facilities (relating to minimum technological requirements); and

"(ii) prior to such disposal, the generator has certified to the Administrator that such generator has investigated the availability of treatment capacity and has determined that the use of such landfill or surface impoundment is the only practical alternative to treatment currently available to the generator.

The prohibition contained in this subparagraph shall continue to apply until the Administrator promulgates regulations or makes a determination under paragraph (5) for the waste concerned.

"(C) If the Administrator fails to promulgate regulations, or make a determination under paragraph (5) for any hazardous waste referred to in paragraph (1) within 66 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, such hazardous waste shall be prohibited from land disposal.

"(h) VARIANCES FROM LAND DISPOSAL PROHIBITIONS.—(1) A prohibition in regulations under subsection (d), (e), (f), or (g) shall be effective immediately upon promulgation.

"(2) The Administrator may establish an effective date different from the effective date which would otherwise apply under subsection (d), (e), (f), or (g) with respect to a specific hazardous waste which is subject to a prohibition under subsection (d), (e), (f), or (g) or under regulations under subsection (d), (e), (f), or (g). Any such other effective date shall be established on the basis of the earliest date on which adequate alternative treatment, recovery, or disposal capacity which protects human health and the environment will be available. Any such other effective date shall in no event be later than 2 years after the effective date of the prohibition which would otherwise apply under subsection (d), (e), (f), or (g).

"(3) The Administrator, after notice and opportunity for comment and after consultation with appropriate State agencies in all affected States, may on a case-by-case basis grant an extension of the effective date which would otherwise apply under subsection (d), (e), (f), or (g) or under paragraph (2) for up to one year, where the
98 STAT. 3232 applicant demonstrates that there is a binding contractual commitment to construct or otherwise provide such alternative capacity but due to circumstances beyond the control of such applicant such alternative capacity cannot reasonably be made available by such effective date. Such extension shall be renewable once for no more than one additional year.

"(4) Whenever another effective date (hereinafter referred to as a 'variance') is established under paragraph (2), or an extension is granted under paragraph (3), with respect to any hazardous waste, during the period for which such variance or extension is in effect, such hazardous waste may be disposed of in a landfill or surface impoundment only if such facility is in compliance with the requirements of subsection (o).

Federal Register, publication.

"(i) PUBLICATION OF DETERMINATION.—If the Administrator determines that a method of land disposal will be protective of human health and the environment, he shall promptly publish in the Federal Register notice of such determination, together with an explanation of the basis for such determination.

"(j) STORAGE OF HAZARDOUS WASTE PROHIBITED FROM LAND DISPOSAL.—In the case of any hazardous waste which is prohibited from one or more methods of land disposal under this section (or under regulations promulgated by the Administrator under any provision of this section) the storage of such hazardous waste is prohibited unless such storage is solely for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

"(k) DEFINITION OF LAND DISPOSAL.—For the purposes of this section, the term 'land disposal', when used with respect to a specified hazardous waste, shall be deemed to include, but not be limited to, any placement of such hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave.

"(l) BAN ON DUST SUPPRESSION.—The use of waste or used oil or other material, which is contaminated or mixed with dioxin or any other hazardous waste identified or listed under section 3001 (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited.

"(m) TREATMENT STANDARDS FOR WASTES SUBJECT TO LAND DISPOSAL PROHIBITION.—(1) Simultaneously with the promulgation of regulations under subsection (d), (e), (f), or (g) prohibiting one or more methods of land disposal of a particular hazardous waste, and as appropriate thereafter, the Administrator shall, after notice and an opportunity for hearings and after consultation with appropriate Federal and State agencies, promulgate regulations specifying those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.

"(2) If such hazardous waste has been treated to the level or by a method specified in regulations promulgated under this subsection, such waste or residue thereof shall not be subject to any prohibition promulgated under subsection (d), (e), (f), or (g) and may be disposed of in a land disposal facility which meets the requirements of this subtitle. Any regulation promulgated under this subsection for a particular hazardous waste shall become effective on the same date as any applicable prohibition promulgated under subsection (d), (e), (f), or (g).

98 STAT. 3233

Regulations.

"(n) AIR EMISSIONS.—Not later than thirty months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate such regulations for the monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including but not limited to open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment.".

MINIMUM TECHNOLOGICAL REQUIREMENTS

Supra.
42 USC 6924.

SEC. 202. (a) Section 3004 of the Solid Waste Disposal Act is amended by inserting the following new subsection after subsection (n):

Post, pp. 3241, 3242.

"(o) MINIMUM TECHNOLOGICAL REQUIREMENTS.—(1) The regulations under subsection (a) of this section shall be revised from time to time to take into account improvements in the technology of control and measurement. At a minimum, such regulations shall require, and a permit issued pursuant to section 3005(c) after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 by the Administrator or a State shall require—

"(A) for each new landfill or surface impoundment, each new landfill or surface impoundment unit at an existing facility, each replacement of an existing landfill or surface impoundment unit, and each lateral expansion of an existing landfill or surface impoundment unit, for which an application for a final determination regarding issuance of a permit under section 3005(c) is received after the date of enactment of the Hazardous and Solid Waste Amendments of 1984—

"(i) the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners; and

"(ii) ground water monitoring; and

"(B) for each incinerator which receives a permit under section 3005(c) after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the attainment of the minimum destruction and removal efficiency required by regulations in effect on June 24, 1982.

The requirements of this paragraph shall apply with respect to all waste received after the issuance of the permit.

"(2) Paragraph (1)(A)(i) shall not apply if the owner or operator demonstrates to the Administrator, and the Administrator finds for such landfill or surface impoundment, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the ground water or surface water at least as effectively as such liners and leachate collection systems.

"(3) The double-liner requirement set forth in paragraph (1)(A)(i) may be waived by the Administrator for any monofill, if—

"(A) such monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand,

"(B) such wastes do not contain constituents which would render the wastes hazardous for reasons other than the Extraction Procedure ("EP") toxicity characteristics set forth in regulations under this subtitle, and

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"(C) such monofill meets the same requirements as are applicable in the case of a waiver under section 3005(j) (2) or (4). *Post*, p. 3243.

"(4)(A) Not later than thirty months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate standards requiring that new landfill units, surface impoundment units, waste piles, underground tanks and land treatment units for the storage, treatment, or disposal of hazardous waste identified or listed under section 3001 shall be required to utilize approved leak detection systems. 42 USC 6921.

"(B) For the purposes of subparagraph (A)—

"(i) the term 'approved leak detection system' means a system or technology which the Administrator determines to be capable of detecting leaks of hazardous constituents at the earliest practicable time; and

"(ii) the term 'new units' means units on which construction commences after the date of promulgation of regulations under this paragraph.

Regulations. "(5)(A) The Administrator shall promulgate regulations or issue guidance documents implementing the requirements of paragraph (1)(A) within two years after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984.

"(B) Until the effective date of such regulations or guidance documents, the requirement for the installation of two or more liners may be satisfied by the installation of a top liner designed, operated, and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} centimeter per second.

"(6) Any permit under section 3005 which is issued for a landfill located within the State of Alabama shall require the installation of two or more liners and a leachate collection system above and between such liners, notwithstanding any other provision of this Act.

Alabama.
42 USC 6925.

"(7) In addition to the requirements set forth in this subsection, the regulations referred to in paragraph (1) shall specify criteria for the acceptable location of new and existing treatment, storage, or disposal facilities as necessary to protect human health and the environment. Within 18 months after the enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall publish guidance criteria identifying areas of vulnerable hydrogeology.".

GROUND WATER MONITORING

Sec. 203. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (o) thereof:

Ante, p. 3233.
42 USC 6924.

"(p) Ground Water Monitoring.—The standards under this section concerning ground water monitoring which are applicable to surface impoundments, waste piles, land treatment units, and landfills shall apply to such a facility whether or not—

"(1) the facility is located above the seasonal high water table;

"(2) two liners and a leachate collection system have been installed at the facility; or

"(3) the owner or operator inspects the liner (or liners) which has been installed at the facility.

This subsection shall not be construed to affect other exemptions or waivers from such standards provided in regulations in effect on the date of enactment of the Hazardous and Solid Waste Amendments of 1984 or as may be provided in revisions to those regulations, to the extent consistent with this subsection. The Administrator is authorized on a case-by-case basis to exempt from ground water monitoring requirements under this section (including subsection (o)) any engineered structure which the Administrator finds does not receive or contain liquid waste (nor waste containing free liquids), is designed and operated to exclude liquid from precipitation or other runoff, utilizes multiple leak detection systems within the outer layer of containment, and provides for continuing operation and maintenance of these leak detection systems during the operating period, closure, and the period required for post-closure monitoring and for which the Administrator concludes on the basis of such findings that there is a reasonable certainty hazardous constituents will not migrate beyond the outer layer of containment prior to the end of the period required for post-closure monitoring.".

BURNING AND BLENDING OF HAZARDOUS WASTES

Sec. 204. (a)(1) Section 3010 of the Solid Waste Disposal Act is amended by inserting the following after the first sentence thereof: "Not later than fifteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984—

42 USC 6930.
Petroleum and petroleum products.

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

42 USC 6921.

"(2) the owner or operator of any facility (other than a single- or two-family residence) which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001 shall file with the Administrator (and with the State in the case of a State with an authorized hazardous waste program) a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Notification shall not be required under the second 98 STAT. 3236 sentence of this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3014.".

42 USC 6921.
Post, p. 3258.
42 USC 6930.

(2) Section 3010 of such Act is amended by striking out "the preceding sentence" each place it occurs and substituting "the preceding provisions".

Ante, p. 3234.
42 USC 6924.
Regulations.

(b)(1) Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsections after subsection (p):

"(q) HAZARDOUS WASTE USED AS FUEL.—(1) Not later than two years after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(A) standards applicable to the owners and operators of facilities which produce a fuel—

"(i) from any hazardous waste identified or listed under section 3001, or

"(ii) from any hazardous waste identified or listed under section 3001 and any other material;

"(B) standards applicable to the owners and operators of facilities which burn, for purposes of energy recovery, any fuel produced as provided in subparagraph (A) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001; and

"(C) standards applicable to any person who distributes or markets any fuel which is produced as provided in subparagraph (A) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriate. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel.

Petroleum and petroleum products.

"(2)(A) This subsection, subsection (r), and subsection (s) shall not apply to petroleum refinery wastes containing oil which are converted into petroleum coke at the same facility at which such wastes were generated, unless the resulting coke product would exceed one or more characteristics by which a substance would be identified as a hazardous waste under section 3001.

"(B) The Administrator may exempt from the requirements of this subsection, subsection (r), or subsection (s) facilities which burn de minimis quantities of hazardous waste as fuel, as defined by the Administrator, if the wastes are burned at the same facility at which such wastes are generated; the waste is burned to recover useful energy, as determined by the Administrator on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and the waste is burned in a type of device determined by the Administrator to be designed and operated at a destruction and removal efficiency sufficient such that protection of human health and environment is assured.

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Prohibition.

"(C)(i) After the date of the enactment of the Hazardous and Solid Waste Amendments of 1984 and until standards are promulgated and in effect under paragraph (2) of this subsection, no fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations (as in effect on the date of the enactment of the Hazardous and Solid Waste Amendments of 1984) under this subtitle which are applicable to incinerators.

"(ii) Any person who knowingly violates the prohibition contained in clause (i) shall be deemed to have violated section 3008(d)(2).

Post, p. 3256.

"(r) Labeling.—(1) Notwithstanding any other provision of law, until such time as the Administrator promulgates standards under subsection (q) specifically superceding this requirement, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3010 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under section 3001 if the invoice or the bill of sale fails—

Ante, p. 3235.

42 USC 6921.

"(A) to bear the following statement: 'WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES', and

"(B) to list the hazardous wastes contained therein.

Beginning ninety days after the enactment of the Hazardous and Solid Waste Amendments of 1984, such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.

"(2) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from petroleum refining waste containing oil if—

"(A) such materials are generated and reinserted onsite into the refining process;

"(B) contaminants are removed; and

Petroleum and petroleum products.

"(C) such refining waste containing oil is converted along with normal process streams into pertroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

Petroleum and petroleum products.

"(3) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, this subsection shall not apply to fuels produced from oily materials, resulting from normal petroleum refining, production and transportation practices, if (A) contaminants are removed; and (B) such oily materials are converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Classification Manual.

98 STAT. 3238 "(s) RECORDKEEPING.—Not later than fifteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate regulations requiring that any person who is required to file a notification in accordance with subparagraph (1), (2), or (3), of section 3010(a) shall maintain such records regarding fuel blending, distribution, or use as may be necessary to protect human health and the environment.".

42 USC 6923. (2) Section 3003 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (b):

"(c) FUEL FROM HAZARDOUS WASTE.—Not later than two years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, and after opportunity for public hearing, the Administrator shall promulgate regulations establishing standards, applicable to transporters of fuel produced (1) from any hazardous waste identified or listed under section 3001, or (2) from any hazardous waste identified or listed under section 3001 and any other material, as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (4) of subsection (a) as may be appropriate.". 42 USC 6921.

DIRECT ACTION

Supra. 42 USC 6924. SEC. 205. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (s) thereof:

"(t) FINANCIAL RESPONSIBILITY PROVISIONS.—(1) Financial responsibility required by subsection (a) of this section may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.

Claims. "(2) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where (with reasonable diligence) jurisdiction in any State court or any Federal Court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(3) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. 98 STAT. 3239 Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law. 42 USC 9607, 9611.

"(4) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this section.".

CONTINUING RELEASES AT PERMITTED FACILITIES

SEC. 206. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (t) thereof:

Ante, p. 3238.
42 USC 6924.

"(u) CONTINUING RELEASES AT PERMITTED FACILITIES.—Standards promulgated under this section shall require, and a permit issued after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under this subtitle, regardless of the time at which waste was placed in such unit. Permits issued under section 3005 shall contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.".

Post, pp. 3241, 3242.

CORRECTIVE ACTION BEYOND FACILITY BOUNDARIES; UNDERGROUND TANKS

SEC. 207. Section 3004 is amended by adding the following after subsection (u):

Supra.

"(v) CORRECTIVE ACTIONS BEYOND FACILITY BOUNDARY.—As promptly as practicable after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall amend the standards under this section regarding corrective action required at facilities for the treatment, storage, or disposal, of hazardous waste listed or identified under section 3001 to require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Administrator that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such regulations shall take effect immediately upon promulgation, notwithstanding section 3010(b), and shall apply to—

42 USC 6921.

Post, p. 3258.

"(1) all facilities operating under permits issued under subsection (c), and

"(2) all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units, or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Pending promulgation of such regulations, the Administrator shall issue corrective action orders for facilities referred to in paragraphs (1) and (2), on a case-by-case basis, consistent with the purposes of this subsection.

"(w) UNDERGROUND TANKS.—Not later than March 1, 1985, the Administrator shall promulgate final permitting standards under this section for underground tanks that cannot be entered for inspection. Within forty-eight months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, such standards shall be modified, if necessary, to cover at a minimum all requirements and standards described in section 9003.".

98 STAT. 3240

FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION

SEC. 208. Section 3004(a) of the Solid Waste Disposal Act (as redesignated by section 201 of this Act) is amended by inserting "(including financial responsibility for corrective action)" immediately after "and financial responsibility" in paragraph (6).

Ante, p. 3226.

MINING WASTE AND OTHER SPECIAL WASTES

SEC. 209. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (w):

Ante, p. 3239.
42 USC 6924.

"(x) If (1) solid waste from the extraction, beneficiation or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium, (2) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, or (3) cement kiln dust waste, is subject to regulation under this subtitle, the Administrator is authorized to modify the requirements of subsections (c), (d), (e), (f), (g), (o), and (u) and section 3005(j), in the case of landfills or surface impoundments receiving such solid waste, to take into account the special characteristics of such wastes, the practical difficulties associated with implementation of such requirements, and site-specific characteristics, including but not limited to the climate, geology, hydrology and soil chemistry at the site, so long as such modified requirements assure protection of human health and the environment.". *Post*, p. 3243.

Subtitle B—Amendments Primarily to Section 3005

AUTHORITY FOR PERMIT TO CONSTRUCT HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES

42 USC 6925. SEC. 211. Section 3005(a) of the Solid Waste Disposal Act is amended by—

(1) striking "a" immediately after "owning or operating" in the first sentence and inserting in lieu thereof "an existing facility or planning to construct a new";

(2) inserting in the second sentence "and the construction of any new facility for the treatment, storage, or disposal of any such hazardous waste" immediately after "any such hazardous waste"; and

(3) adding the following at the end thereof: "No permit shall be required under this section in order to construct a facility if such facility is constructed pursuant to an approval issued by the Administrator under section 6(e) of the Toxic Substances Control Act for the incineration of polycholorinated biphenyls and any person owning or operating such a facility may, at any time after operation or construction of such facility has begun, file an application for a permit pursuant to this section authorizing such facility to incinerate hazardous waste identified or listed under this subtitle.". 15 USC 2605.

98 STAT. 3241

PERMIT LIFE

Post, p. 3242. SEC. 212. Section 3005(c) of the Solid Waste Disposal Act is amended by adding the following new paragraph after paragraph (2):

"(3) Any permit under this section shall be for a fixed term, not to exceed 10 years in the case of any land disposal facility, storage facility, or incinerator or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after date of issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of this section and section 3004. Nothing in this subsection shall preclude the Administrator from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued under this section shall contain such terms and conditions as the Administrator (or the State) determines necessary to protect human health and the environment.". 42 USC 6924.

INTERIM STATUS

42 USC 6925. SEC. 213. (a) Section 3005(e) of the Solid Waste Disposal Act is amended by—

(1) inserting "(1)" after "Interim Status.—",

(2) redesignating existing paragraphs (1) through (3) as subparagraphs (A) through (C),

(3) adding the following at the end thereof:

"This paragraph shall not apply to any facility which has been previously denied a permit under this section or if authority to operate the facility under this section has been previously terminated.

"(2) In the case of each land disposal facility which has been granted interim status under this subsection before the date of enactment of the Hazardous and Solid Waste Amendments of 1984, interim status shall terminate on the date twelve months after the date of the enactment of such Amendments unless the owner or operator of such facility—

"(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date twelve months after the date of the enactment of such Amendments; and

"(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

"(3) In the case of each land disposal facility which is in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit under this section and which is granted interim status under this subsection, interim status shall terminate on the date twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility—

"(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date twelve months after the date on which the facility first becomes subject to such permit requirement; and

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"(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements."; and

(4) amending subparagraph (A) (as redesignated by paragraph (1) of this subsection) to read as follows:

"(A) owns or operates a facility required to have a permit under this section which facility—

"(i) was in existence on November 19, 1980, or

"(ii) is in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit under this section,".

(b) Section 3009 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "Nothing in this title (or in any regulation adopted under this title) shall be construed to prohibit any State from requiring that the State be provided with a copy of each manifest used in connection with hazardous waste which is generated within that State or transported to a treatment, storage, or disposal facility within that State." 42 USC 6929.

(c) Section 3005(c) of the Solid Waste Disposal Act is amended by inserting "(1)" after "PERMIT ISSUANCE.—" and by adding the following new paragraph at the end thereof: 42 USC 6925.

"(2)(A)(i) Not later than the date four years after the enactment of the Hazardous and Solid Waste Amendments of 1984, in the case of each application under this subsection for a permit for a land disposal facility which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(ii) Not later than the date five years after the enactment of the Hazardous and Solid Waste Amendments of 1984, in the case of each application for a permit under this subsection for an incinerator facility which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(B) Not later than the date eight years after the enactment of the Hazardous and Solid Waste Amendments of 1984, in the case of each application for a permit under this subsection for any facility (other than a facility referred to in subparagraph (A)) which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(C) The time periods specified in this paragraph shall also apply in the case of any State which is administering an authorized hazardous waste program under section 3006. Interim status under subsection (e) shall terminate for each facility referred to in subparagraph (A)(ii) or (B) on the expiration of the five- or eight-year period referred to in subparagraph (A) or (B), whichever is applicable, unless the owner or operator of the facility applies for a final determination regarding the issuance of a permit under this subsection within— 42 USC 6927.

"(i) two years after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984 (in the case of a facility referred to in subparagraph (A)(ii)), or

"(ii) four years after such date of enactment (in the case of a facility referred to in subparagraph (B)).".

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NEW AND INNOVATIVE TREATMENT TECHNOLOGIES

42 USC 6925. SEC. 214. (a) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (f):

"(g) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than one year (unless renewed as provided in paragraph (4)), and

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Administrator deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

"(C) shall include such requirements as the Administrator deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, financial reponsibility, closure, and remedial action), and such requirements as the Administrator deems necessary regarding testing and providing of information to the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements established in the Administrator's general permit regulations except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures established under section 7004(b)(2) regarding public participation. 42 USC 6974.

"(3) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.

"(4) Any permit issued under this subsection may be renewed not more than three times. Each such renewal shall be for a period of not more than 1 year.".

EXISTING SURFACE IMPOUNDMENTS

SEC. 215. Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (i):

Post, p. 3261.

"(j) INTERIM STATUS SURFACE IMPOUNDMENTS.—(1) Except as provided in paragraph (2), (3), or (4), each surface impoundment in existence on the date of enactment of the Hazardous and Solid Waste Amendments of 1984 and qualifying for the authorization to operate under subsection (e) of this section shall not receive, store,

98 STAT. 3244

or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of section 3004(o)(1)(A) which would apply to such impoundment if it were new.

Ante, p. 3233.

"(2) Paragraph (1) of this subsection shall not apply to any surface impoundment which (A) has at least one liner, for which there is no evidence that such liner is leaking; (B) is located more than one-quarter mile from an underground source of drinking water; and (C) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section.

"(3) Paragraph (1) of this subsection shall not apply to any surface impoundment which (A) contains treated waste water during the secondary or subsequent phases of an aggressive biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge); (B) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under subsection (c) of this section; and (C)(i) is part of a facility in compliance with section 301(b)(2) of the Clean Water Act, or (ii) in the case of a facility for which no effluent guidelines required under section 304(b)(2) of the Clean Water Act are in effect and no permit under section 402(a)(1) of such Act implementing section 301(b)(2) of such Act has been issued, is part of a facility in compliance with a permit under section 402 of such Act, which is achieving significant degradation of toxic pollutants and hazardous constituents contained in the untreated waste stream and which has identified those toxic pollutants and hazardous constituents in the untreated waste stream to the appropriate permitting authority.

33 USC 1342.
33 USC 1311.
33 USC 1314.

"(4) The Administrator (or the State, in the case of a State with an authorized program), after notice and opportunity for comment, may modify the requirements of paragraph (1) for any surface impoundment if the owner or operator demonstrates that such surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constitutent into ground water or surface water at any future time. The Administrator or the State shall take into account locational criteria established under section 3004(o)(7).

Ante, p. 3233.

"(5) The owner or operator of any surface impoundment potentially subject to paragraph (1) who has reason to believe that on the basis of paragraph (2), (3), or (4) such surface impoundment is not required to comply with the requirements of paragraph (1), shall apply to the Administrator (or the State, in the case of a State with an authorized program) not later than twenty-four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 for a determination of the applicability of paragraph (1) (in the case of paragraph (2) or (3)) or for a modification of the requirements of paragraph (1) (in the case of paragraph (4)), with respect to such surface impoundment. Such owner or operator shall provide, with such application, evidence pertinent to such decision, including:

"(A) an application for a final determination regarding the issuance of a permit under subsection (c) of this section for such facility, if not previously submitted;

98 STAT. 3245 "(B) evidence as to compliance with all applicable ground water monitoring requirements and the information and analysis from such monitoring;

"(C) all reasonably ascertainable evidence as to whether such surface impoundment is leaking; and

"(D) in the case of applications under paragraph (2) or (3), a certification by a registered professional engineer with academic training and experience in ground water hydrology that—

"(i) under paragraph (2), the liner of such surface impoundment is designed, constructed, and operated in accordance with applicable requirements, such surface impoundment is more than one-quarter mile from an underground source of drinking water and there is no evidence such liner is leaking; or

"(ii) under paragraph (3), based on analysis of those toxic pollutants and hazardous constituents that are likely to be present in the untreated waste stream, such impoundment satisfies the conditions of paragraph (3).

In the case of any surface impoundment for which the owner or operator fails to apply under this paragraph within the time provided by this paragraph or paragraph (6), such surface impoundment shall comply with paragraph (1) notwithstanding paragraph (2), (3), or (4). Within twelve months after receipt of such application and evidence and not later than thirty-six months after such date of enactment, and after notice and opportunity to comment, the Administrator (or, if appropriate, the State) shall advise such owner or operator on the applicability of paragraph (1) to such surface impoundment or as to whether and how the requirements of paragraph (1) shall be modified and applied to such surface impoundment.

"(6)(A) In any case in which a surface impoundment becomes subject to paragraph (1) after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 due to the promulgation of additional listings or characteristics for the identification of hazardous waste under section 3001, the period for compliance in paragraph (1) shall be four years after the date of such promulgation, the period for demonstrations under paragraph (4) and for submission of evidence under paragraph (5) shall be not later than twenty-four months after the date of such promulgation, and the period for the Administrator (or if appropriate, the State) to advise such owners or operators under paragraph (5) shall be not later than thirty-six months after the date of promulgation. 42 USC 6921.

"(B) In any case in which a surface impoundment is initially determined to be excluded from the requirements of paragraph (1) but due to a change in condition (including the existence of a leak) no longer satisfies the provisions of paragraph (2), (3), or (4) and therefore becomes subject to paragraph (1), the period for compliance in paragraph (1) shall be two years after the date of discovery of such change of condition, or in the case of a surface impoundment excluded under paragraph (3) three years after such date of discovery.

Study. Report.

"(7)(A) The Administrator shall study and report to the Congress on the number, range of size, construction, likelihood of hazardous constituents migrating into ground water, and potential threat to human health and the environment of existing surface impoundments excluded by paragraph (3) from the requirements of paragraph (1). 98 STAT. 3246 Such report shall address the need, feasibility, and estimated costs of subjecting such existing surface impoundments to the requirements of paragraph (1).

"(B) In the case of any existing surface impoundment or class of surface impoundments from which the Administrator (or the State, in the case of a State with an authorized program) determines hazardous constituents are likely to migrate into ground water, the Administrator (or if appropriate, the State) is authorized to impose such requirements as may be necessary to protect human health and the environment, including the requirements of section 3004(o) which would apply to such impoundments if they were new. *Ante*, p. 3233.

"(C) In the case of any surface impoundment excluded by paragraph (3) from the requirements of paragraph (1) which is subsequently determined to be leaking, the Administrator (or, if appropriate, the State) shall require compliance with paragraph (1), unless the Administrator (or, if appropriate, the State) determines that such compliance is not necessary to protect human health and the environment.

"(8) In the case of any surface impoundment in which the liners and leak detection system have been installed pursuant to the requirements of paragraph (1) and in good faith compliance with section 3004(o) and the Administrator's regulations and guidance documents governing liners and leak detection systems, no liner or leak detection system which is different from that which was so installed pursuant to paragraph (1) shall be required for such unit by the Administrator when issuing the first permit under this section to such facility. Nothing in this paragraph shall preclude the Administrator from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this subsection is leaking.

"(9) In the case of any surface impoundment which has been excluded by paragraph (2) on the basis of a liner meeting the definition under paragraph (12)(A)(ii), at the closure of such impoundment the Administrator shall require the owner or operator of such impoundment to remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment shall be required to comply with appropriate post-closure requirements, including but not limited to ground water monitoring and corrective action.

"(10) Any incremental cost attributable to the requirements of this subsection or section 3004(o) shall not be considered by the Administrator (or the State, in the case of a State with an authorized program under section 402 of the Clean Water Act)— 33 USC 1342.

"(A) in establishing effluent limitations and standards under section 301, 304, 306, 307, or 402 of the Clean Water Act based on effluent limitations guidelines and standards promulgated any time before twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984; or 33 USC 1311, 1314, 1316, 1317.

"(B) in establishing any other effluent limitations to carry out the provisions of section 301, 307, or 402 of the Clean Water Act on or before October 1, 1986.

"(11)(A) If the Administrator allows a hazardous waste which is prohibited from one or more methods of land disposal under subsection (d), (e), or (g) of section 3004 (or under regulations promulgated by the Administrator under such subsections) to be placed in a surface impoundment (which is operating pursuant to interim status) for storage or treatment, such impoundment shall meet the requirements that are applicable to new surface impoundments under section 3004(o)(1), unless such impoundment meets the requirements of paragraph (2) or (4). *Ante*, p. 3226. 98 STAT. 3247 *Ante*, p. 3233.

"(B) In the case of any hazardous waste which is prohibited from one or more methods of land disposal under subsection (d), (e), or (g) of section 3004 (or under regulations promulgated by the Administrator under such subsection) the placement or maintenance of such hazardous waste in a surface impoundment for treatment is prohibited as of the effective date of such prohibition unless the treatment residues which are hazardous are, at a minimum, removed for subsequent management within one year of the entry of the waste into the surface impoundment. *Ante*, p. 3226.

"(12)(A) For the purposes of paragraph (2)(A) of this subsection, the term 'liner' means—

"(i) a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility; or "(ii) a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility.

"(B) For the purposes of this subsection, the term 'aggressive biological treatment facility' means a system of surface impoundments in which the initial impoundment of the secondary treatment segment of the facility utilizes intense mechanical aeration to enhance biological activity to degrade waste water pollutants and

"(i) the hydraulic retention time in such initial impoundment is no longer than 5 days under normal operating conditions, on an annual average basis;

"(ii) the hydraulic retention time in such initial impoundment is no longer than thirty days under normal operating conditions, on an annual average basis: *Provided*, That the sludge in such impoundment does not constitute a hazardous waste as identified by the extraction procedure toxicity characteristic in effect on the date of enactment of the Hazardous and Solid Waste Amendments of 1984; or

"(iii) such system utilizes activated sludge treatment in the first portion of secondary treatment.

42 USC 201 note.
42 USC 300f.

"(C) For the purposes of this subsection, the term 'underground source or drinking water' has the same meaning as provided in regulations under the Safe Drinking Water Act (title XIV of the Public Health Service Act).

"(13) The Administrator may modify the requirements of paragraph (1) in the case of a surface impoundment for which the owner or operator, prior to October 1, 1984, has entered into, and is in compliance with, a consent order, decree, or agreement with the Administrator or a State with an authorized program mandating corrective action with respect to such surface impoundment that provides a degree of protection of human health and the environment which is at a minimum equivalent to that provided by paragraph (1).".

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Subtitle C—Amendments Primarily to Other Sections in Subtitle C

SMALL QUANTITY GENERATOR WASTE

42 USC 6921.

SEC. 221. (a) Section 3001 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (c):

42 USC 6922–6924.

"(d) SMALL QUANTITY GENERATOR WASTE.—(1) By March 31, 1986, the Administrator shall promulgate standards under sections 3002, 3003, and 3004 for hazardous waste generated by a generator in a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month.

"(2) The standards referred to in paragraph (1), including standards applicable to the legitimate use, reuse, recycling, and reclamation of such wastes, may vary from the standards applicable to hazardous waste generated by larger quantity generators, but such standards shall be sufficient to protect human health and the environment.

"(3) Not later than two hundred and seventy days after the enactment of the Hazardous and Solid Waste Amendments of 1984 any hazardous waste which is part of a total quantity generated by a generator generating greater than one hundred kilograms but less than one thousand kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency Uniform Hazardous Waste Manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the United States Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers;

"(D) the quantity of waste being transported; and

"(E) the name and address of the facility designated to receive the waste.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest form shall apply only if determined necessary by the Administrator to protect human health and the environment.

"(4) The Administrator's responsibility under this subtitle to protect human health and the environment may require the promulgation of standards under this subtitle for hazardous wastes which are generated by any generator who does not generate more than one hundred kilograms of hazardous waste in a calendar month.

"(5) Until the effective date of standards required to be promulgated under paragraph (1), any hazardous waste identified or listed under section 3001 generated by any generator during any calendar month in a total quantity greater than one hundred kilograms but less than one thousand kilograms, which is not treated, stored, or disposed of at a hazardous waste treatment, storage, or disposal facility with a permit under section 3005, shall be disposed of only in a facility which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. 42 USC 6925.

"(6) Standards promulgated as provided in paragraph (1) shall, at a minimum, require that all treatment, storage, or disposal of hazardous wastes generated by generators referred to in paragraph (1) shall occur at a facility with interim status or a permit under this subtitle, except that onsite storage of hazardous waste generated by a generator generating a total quantity of hazardous waste greater than one hundred kilograms, but less than one thousand kilograms during a calendar month, may occur without the requirement of a permit for up to one hundred and eighty days. Such onsite storage may occur without the requirement of a permit for not more than six thousand kilograms for up to two hundred and seventy days if such generator must ship or haul such waste over two hundred miles.

"(7)(A) Nothing in this subsection shall be construed to affect or impair the validity of regulations promulgated by the Secretary of Transportation pursuant to the Hazardous Materials Transportation Act.

"(B) Nothing in this subsection shall be construed to affect, modify, or render invalid any requirements in regulations promulgated prior to January 1, 1983 applicable to any acutely hazardous waste identified or listed under section 3001 which is generated by any generator during any calendar month in a total quantity less than one thousand kilograms. 42 USC 6921.

"(8) Effective March 31, 1986, unless the Administrator promulgates standards as provided in paragraph (1) of this subsection prior to such date, hazardous waste generated by any generator in a total quantity greater than one hundred kilograms but less than one thousand kilograms during a calendar month shall be subject to the following requirements until the standards referred to in paragraph (1) of this subsection have become effective:

"(A) the notice requirements of paragraph (3) of this subsection shall apply and in addition, the information provided in the form shall include the name of the waste transporters and the name and address of the facility designated to receive the waste;

"(B) except in the case of the onsite storage referred to in paragraph (6) of this subsection, the treatment, storage, or disposal of such waste shall occur at a facility with interim status or a permit under this subtitle;

Reports.

"(C) generators of such waste shall file manifest exception reports as required of generators producing greater amounts of hazardous waste per month except that such reports shall be filed by January 31, for any waste shipment occurring in the last half of the preceding calendar year, and by July 31, for any waste shipment occurring in the first half of the calendar year; and

"(D) generators of such waste shall retain for three years a copy of the manifest signed by the designated facility that has received the waste.

Nothing in this paragraph shall be construed as a determination of the standards appropriate under paragraph (1).

Post, p. 3258.

"(9) The last sentence of section 3010(b) shall not apply to regulations promulgated under this subsection.".

42 USC 6921 note.

(b) The Administrator of the Environmental Protection Agency shall undertake activities to inform and educate the waste generators of their responsibilities under the amendments made by this section during the period within thirty months after the enactment of the Hazardous and Solid Waste Amendments of 1984 to help assure compliance.

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Study.

42 USC 6921.

(c) The Administrator of the Environmental Protection Agency in cooperation with the States shall conduct a study of hazardous waste identified or listed under section 3001 of the Solid Waste Disposal Act which is generated by individual generators in total quantities for each generator during any calendar month of less than one thousand kilograms. The Administrator may require from such generators information as may be necessary to conduct the study. Such study shall include a characterization of the number and type of such generators, the quantity and characteristics of hazardous waste generated by such generators, State requirements applicable to such generators, the individual and industry waste management practices of such generators, the potential costs of modifying those practices and the impact of such modifications on national treatment and disposal facility capacity, and the threat to human health and the environment and the employees of transporters or others involved in solid waste management posed by such hazardous wastes or such management practices. Such study shall be submitted to the Congress not later than April 1, 1985.

Study.
42 USC 6921 note.

(d) The Administrator of the Environmental Protection Agency shall cause to be studied the existing manifest system for hazardous wastes as it applies to small quantity generators and recommend whether the current system shall be retained or whether a new system should be introduced. The study shall include an analysis of the cost versus the benefits of the system studied as well as an analysis of the ease of retrieving and collating information and identifying a given substance. Finally, any new proposal shall include a list of those standards that are necessary to protect human health and the environment. Such study shall be submitted to the Congress not later than April 1, 1987.

Report.
42 USC 6921 note.

(e) The Administrator of the Environmental Protection Agency, in conjunction with the Secretary of Transportation, shall prepare and submit to the Congress a report on the feasibility of easing the administrative burden on small quantity generators, increasing compliance with statutory and regulatory requirements, and simplifying enforcement efforts through a program of licensing hazardous waste transporters to assume the responsibilities of small quantity generators relating to the preparation of manifests and associated recordkeeping and reporting requirements. The report shall examine the appropriate licensing requirements under such a program including the need for financial assurances by licensed transporters and shall make recommendations on provisions and requirements for such a program including the appropriate division of responsibilities between the Department of Transportation and the Environmental Protection Administration. Such report shall be submitted to the Congress not later than April 1, 1987.

Study.
42 USC 6921 note.

(f)(1) The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Education, the States, and appropriate educational associations, conduct a comprehensive study of problems associated with the accumulation, storage and disposal of hazardous wastes from educational institutions. The study shall include an investigation of the feasibility and availability of environmentally sound methods for the treatment, storage or disposal of hazardous waste from such institutions, taking into account the types and quantities of such waste which are generated by these institutions, and the nonprofit nature of these institutions.

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Report.

(2) The Administrator shall submit a report to the Congress containing the findings of the study carried out under paragraph (1) not later than April 1, 1987.

(3) For purposes of this subsection—

(A) the term "hazardous waste" means hazardous waste which is listed or identified under Section 3001 of the Solid Waste Disposal Act; 42 USC 6921.

(B) the term "educational institution" includes, but shall not be limited to,

(i) secondary schools as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and 20 USC 2854.

(ii) institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965. 20 USC 1141.

LISTING AND DELISTING OF HAZARDOUS WASTE

SEC. 222. (a) Section 3001 of the Solid Waste Disposal Act is amended by inserting the following new subsections at the end thereof: *Ante*, p. 3248.

"(e) SPECIFIED WASTES.—(1) Not later than 6 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall, where appropriate, list under subsection (b)(1), additional wastes containing chlorinated dioxins or chlorinated-dibenzofurans. Not later than one year after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall, where appropriate, list under subsection (b)(1) wastes containing remaining halogenated dioxins and halogenated-dibenzofurans.

"(2) Not later than fifteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall make a determination of whether or not to list under subsection (b)(1) the following wastes: Chlorinated Aliphatics, Dioxin, Dimethyl Hydrazine, TDI (toluene diisocyanate), Carbamates, Bromacil, Linuron, Organo-bromines, solvents, refining wastes, chlorinated aromatics, dyes and pigments, inorganic chemical industry wastes, lithium batteries, coke byproducts, paint production wastes, and coal slurry pipeline effluent.

"(f) DELISTING PROCEDURES.—(1) When evaluating a petition to exclude a waste generated at a particular facility from listing under this section, the Administrator shall consider factors (including additional constituents) other than those for which the waste was listed if the Administrator has a reasonable basis to believe that such additional factors could cause the waste to be a hazardous waste. The Administrator shall provide notice and opportunity for comment on these additional factors before granting or denying such petition.

Public information.

Federal Register, publication.

"(2)(A) To the maximum extent practicable the Administrator shall publish in the Federal Register a proposal to grant or deny a petition referred to in paragraph (1) within twelve months after receiving a complete application to exclude a waste generated at a particular facility from being regulated as a hazardous waste and shall grant or deny such a petition within twenty-four months after receiving a complete application.

"(B) The temporary granting of such a petition prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 without the opportunity for public comment and the full consideration of such comments shall not continue for more than twenty-

98 STAT. 3252

four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984. If a final decision to grant or deny such a petition has not been promulgated after notice and opportunity for public comment within the time limit prescribed by the preceding sentence, any such temporary granting of such petition shall cease to be in effect.

"(g) EP TOXICITY.—Not later than twenty-eight months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 the Administrator shall examine the deficiencies of the extraction procedure toxicity characteristic as a predictor of the leaching potential of wastes and make changes in the extraction procedure toxicity characteristic, including changes in the leaching media, as are necessary to insure that it accurately predicts the leaching potential of wastes which pose a threat to human health and the environment when mismanaged.

Regulations.

"(h) ADDITIONAL CHARACTERISTICS.—Not later than two years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate regulations under this section identifying additional characteristics of hazardous waste, including measures or indicators of toxicity.".

42 USC 6921.

(b) Section 3001(b)(1) of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "The Administrator, in cooperation with the Agency for Toxic Substances and Disease Registry and the National Toxicology Program, shall also identify or list those hazardous wastes which shall be subject to the provisions of this subtitle solely because of the presence in such wastes of certain constituents (such as identified carcinogens, mutagens, or teratagens) at levels in excess of levels which endanger human health.".

CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION

Supra.
42 USC 6921.

SEC. 223. (a) Section 3001 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(i) CLARIFICATION OF HOUSEHOLD WASTE EXCLUSION.—A resource recovery facility recovering energy from the mass burning of municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if—

"(1) such facility—

"(A) receives and burns only—

"(i) household waste (from single and multiple dwellings, hotels, motels, and other residential sources), and

"(ii) solid waste from commercial or industrial sources that does not contain hazardous waste identified or listed under this section, and

"(B) does not accept hazardous wastes identified or listed under this section, and

"(2) the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.".

WASTE MINIMIZATION

42 USC 6922.
98 STAT. 3253

SEC. 224. (a) Section 3002 of the Solid Waste Disposal Act is amended by—

(1) inserting "(a) IN GENERAL.—" after "3002.";

(2) adding the following new subsection at the end thereof:

"(b) WASTE MINIMIZATION.—Effective September 1, 1985, the manifest required by subsection (a)(5) shall contain a certification by the generator that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment."; and

(2) amending subsection (a)(6) to read as follows:

"(6) submission of reports to the Administrator (or the State agency in any case in which such agency carries out a permit program pursuant to this subtitle) at least once every two years, setting out—

Reports.

"(A) the quantities and nature of hazardous waste identified or listed under this subtitle that he has generated during the year;

"(B) the disposition of all hazardous waste reported under subparagraph (A);

"(C) the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

"(D) the changes in volume and toxicity of waste actually achieved during the year in question in comparison with previous years, to the extent such information is available for years prior to enactment of the Hazardous and Solid Waste Amendments of 1984.".

(b) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (g):

Ante, p. 3243.

"(h) Waste Minimization.—Effective September 1, 1985, it shall be a condition of any permit issued under this section for the treatment, storage, or disposal of hazardous waste on the premises where such waste was generated that the permittee certify, no less often than annually, that—

"(1) the generator of the hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and

"(2) the proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.".

(c) Section 8002 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (g):

42 USC 6982.

"(r) Minimization of Hazardous Waste.—The Administrator shall compile, and not later than October 1, 1986, submit to the Congress, a report on the feasibility and desirability of establishing standards of performance or of taking other additional actions under this Act to require the generators of hazardous waste to reduce the volume or quantity and toxicity of the hazardous waste they generate, and of establishing with respect to hazardous wastes required management practices or other requirements to assure such wastes are managed in ways that minimize present and future risks to human health and the environment. Such report shall include any recommendations for legislative changes which the Administrator determines are feasible and desirable to implement the national policy established by section 1003.".

Report.

98 STAT. 3254

42 USC 6902.

BASIS OF AUTHORIZATION

Sec. 225. Section 3006(b) of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "In authorizing a State program, the Administrator may base his findings on the Federal program in effect one year prior to submission of a State's application or in effect on January 26, 1983, whichever is later.".

42 USC 6926.

AVAILABILITY OF INFORMATION

Sec. 226. (a) Section 3006 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (e) thereof:

42 USC 6926.

"(f) Availability of Information.—No State program may be authorized by the Administrator under this section unless—

"(1) such program provides for the public availability of information obtained by the State regarding facilities and sites for the treatment, storage, and disposal of hazardous waste; and

"(2) such information is available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator was carrying out the provisions of this subtitle in such State.".

42 USC 6926 note.

(b) The amendment made by subsection (a) shall apply with respect to State programs authorized under section 3006 before, on, or after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

INTERIM AUTHORIZATION OF STATE PROGRAMS

42 USC 6926.

SEC. 227. Section 3006(c) of the Solid Waste Disposal Act is amended by—

(1) striking out "twenty-four month period beginning on the date six months after the date of promulgation of regulations under sections 3002 through 3005" and inserting in lieu thereof "period ending no later than January 31, 1986";

(2) inserting "(1)" after "Interim Authorization.—"; and

(3) by inserting the following at the end thereof:

Regulation.

"(2) The Administrator shall, by rule, establish a date for the expiration of interim authorization under this subsection.

"(3) Pending interim or final authorization of a State program for any State which reflects the amendments made by the Hazardous and Solid Waste Amendments of 1984, the State may enter into an agreement with the Administrator under which the State may assist in the administration of the requirements and prohibitions which take effect pursuant to such Amendments.

"(4) In the case of a State permit program for any State which is authorized under subsection (b) or under this subsection, until such program is amended to reflect the amendments made by the Hazardous and Solid Waste Amendments of 1984 and such program amendments receive interim or final authorization, the Administrator shall have the authority in such State to issue or deny permits or those portions of permits affected by the requirements and prohibitions established by the Hazardous and Solid Waste Amendments of 1984. The Administrator shall coordinate with States the procedures for issuing such permits.".

98 STAT. 3255

APPLICATION OF AMENDMENTS TO AUTHORIZED STATES

Ante, p. 3254.

SEC. 228. Section 3006 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (f):

"(g) AMENDMENTS MADE BY 1984 ACT.—(1) Any requirement or prohibition which is applicable to the generation, transportation, treatment, storage, or disposal of hazardous waste and which is imposed under this subtitle pursuant to the amendments made by the Hazardous and Solid Waste Amendments of 1984 shall take effect in each State having an interim or finally authorized State program on the same date as such requirement takes effect in other States. The Administrator shall carry out such requirement directly in each such State unless the State program is finally authorized (or is granted interim authorization as provided in paragraph (2)) with respect to such requirement.

"(2) Any State which, before the date of the enactment of the Hazardous and Solid Waste Amendments of 1984 has an existing hazardous waste program which has been granted interim or final authorization under this section may submit to the Administrator evidence that such existing program contains (or has been amended to include) any requirement which is substantially equivalent to a requirement referred to in paragraph (1) and may request interim authorization to carry out that requirement under this subtitle. The Administrator shall, if the evidence submitted shows the State requirement to be substantially equivalent to the requirement referred to in paragraph (1), grant an interim authorization to the State to carry out such requirement in lieu of direct administration in the State by the Administrator of such requirement.".

FEDERAL FACILITIES

Public availability.
42 USC 6927.

Sec. 229. Section 3007 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (b) thereof:

"(c) Federal Facility Inspections.—Beginning twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall, or in the case of a State with an authorized hazardous waste program the State may, undertake on an annual basis a thorough inspection of each facility for the treatment, storage, or disposal of hazardous waste which is owned or operated by a Federal agency to enforce its compliance with this subtitle and the regulations promulgated thereunder. The records of such inspections shall be available to the public as provided in subsection (b).".

STATE-OPERATED FACILITIES

Supra.
42 USC 6927.

Sec. 230. Section 3007 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (c):

"(d) State-Operated Facilities.—The Administrator shall annually undertake a thorough inspection of every facility for the treatment, storage, or disposal of hazardous waste which is operated by a State or local government for which a permit is required under section 3005 of this title. The records of such inspection shall be available to the public as provided in subsection (b).".

Public availability.
42 USC 6925.

98 STAT. 3256

MANDATORY INSPECTIONS

Ante, p. 3255.

Sec. 231. Section 3007 of the Solid Waste Disposal Act is amended by inserting the following new subsection after subsection (d) thereof:

"(e) Mandatory Inspections.—(1) The Administrator (or the State in the case of a State having an authorized hazardous waste program under this subtitle) shall commence a program to thoroughly inspect every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 no less often than every two years as to its compliance with this subtitle (and the regulations promulgated under this subtitle). Such inspections shall commence not later than twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984. The Administrator shall, after notice and opportunity for public comment, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained and the manner in which reports of such inspections shall be filed. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.

42 USC 6925.

Regulations.

Report.

"(2) Not later than six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections.".

FEDERAL ENFORCEMENT

42 USC 6928.

SEC. 232. (a) Section 3008(d) of the Solid Waste Disposal Act is amended as follows:

(1) in paragraph (1)—

(A) insert after "knowingly transports" the following: "or causes to be transported", and

(B) strike out "section 3005 (or 3006 in case of a State program)" and substitute "this subtitle";

(2) in paragraph (2)—

(A) strike out "either";

(B) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle"; and

(C) strike out subparagraph (B) and substitute:

"(B) in knowing violation of any material condition or requirement of such permit; or

"(C) in knowing violation of any material condition or requirement of any applicable interim status regulations or standards;"; and

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(3) strike out all after paragraph (2) and substitute:

"(3) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(4) knowingly generates, stores, treats, transports, disposes of, exports, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(5) knowingly transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by regulations promulgated under this subtitle (or by a State in the case of a State program authorized under this subtitle) to be accompanied by a manifest;

Penalties.

shall, upon conviction, be subject to a fine of not more than $50,000 for each day of violation, or imprisonment not to exceed two years (five years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.".

42 USC 6928.

(b) Section 3008(e) of the Solid Waste Disposal Act is amended to read as follows:

Penalites.

"(e) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste identified or listed under this subtitle in violation of paragraph (1), (2), (3), (4), (5), or (6) of subsection (d) of this section who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.".

(c) Section 3008(d)(2)(A) of the Solid Waste Disposal Act is amended by striking out "having obtained".

INTERIM STATUS CORRECTIVE ACTION ORDERS

SEC. 233. (a) Section 3008 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (g) thereof:

42 USC 6928.

"(h) INTERIM STATUS CORRECTIVE ACTION ORDERS.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of hazardous waste into the environment from a facility authorized to operate under section 3005(e) of this subtitle, the Administrator may issue an order requiring corrective action or such other response measure as he deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

Ante, p. 3241.

98 STAT. 3258

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate under section 3005(e) of this subtitle, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Administrator may assess, and such person shall be liable to the United States for, a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.".

(b) Subsection (b) of section 3008 of the Solid Waste Disposal Act is amended by inserting "issued under this section" immediately after "Any order".

42 USC 6928.

EFFECTIVE DATE OF REGULATIONS

SEC. 234. Section 3010(b) of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "At the time a regulation is promulgated, the Administrator may provide for a shorter period prior to the effective date, or an immediate effective date for:

42 USC 6930.

"(1) a regulation with which the Administrator finds the regulated community does not need six months to come into compliance;

"(2) a regulation which responds to an emergency situation; or

"(3) other good cause found and published with the regulation.".

SUBTITLE D—NEW SECTIONS IN SUBTITLE C

MANAGEMENT OF USED OIL

SEC. 241. (a) Section 3014 of the Solid Waste Disposal Act (relating to restrictions on recycled oil) as redesignated by section 502 of this Act (relating to technical and clerical amendments) is amended by inserting "(a) IN GENERAL.—" after "3014." and by adding the following at the end thereof:

Petroleum and petroleum products.
Post, pp. 3276.
42 USC 6935.

"(b) IDENTIFICATION OR LISTING OF USED OIL AS HAZARDOUS WASTE.—Not later than twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 the Administrator shall propose whether to list or identify used automobile and truck crankcase oil as hazardous waste under section 3001. Not later than twenty-four months after such date of enactment, the Administrator shall make a final determination whether to list or identify used automobile and truck crankcase oil and other used oil as hazardous wastes under section 3001.

42 USC 6921.

"(c) USED OIL WHICH IS RECYCLED.—(1) With respect to generators and transporters of used oil identified or listed as a hazardous waste under section 3001, the standards promulgated under section 3001(d), 3002, and 3003 of this subtitle shall not apply to such used oil if such used oil is recycled.

Ante, p. 3248; 42 USC 6922, 6923.

"(2)(A) In the case of used oil which is exempt under paragraph (1), not later than twenty-four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate such standards under this subsection regarding the generation and transportation of used oil which is recycled as may be necessary to protect human health and the environment. In promulgating such regulations with respect to generators, the Administrator shall take into account the effect of such regulations on environmentally acceptable types of used oil recycling and the effect of such regulations on small quantity generators and generators which are small businesses (as defined by the Administrator).

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Regulations.

"(B) The regulations promulgated under this subsection shall provide that no generator of used oil which is exempt under paragraph (1) from the standards promulgated under section 3001(d), 3002, and 3003 shall be subject to any manifest requirement or any associated recordkeeping and reporting requirement with respect to such used oil if such generator—

Ante, p. 3248; 42 USC 6922, 6923.

"(i) either—

"(I) enters into an agreement or other arrangement (including an agreement or arrangement with an independent transporter or with an agent of the recycler) for delivery of such used oil to a recycling facility which has a permit under section 3005(c) (or for which a valid permit is deemed to be in effect under subsection (d)), or

Ante, pp. 3241, 3242.

"(II) recycles such used oil at one or more facilities of the generator which has such a permit under section 3005 of this subtitle (or for which a valid permit is deemed to have been issued under subsection (d) of this section);

"(ii) such used oil is not mixed by the generator with other types of hazardous wastes; and

"(iii) the generator maintains such records relating to such used oil, including records of agreements or other arrangements for delivery of such used oil to any recycling facility referred to in clause (i)(I), as the Administrator deems necessary to protect human health and the environment.

Regulations.

"(3) The regulations under this subsection regarding the transportation of used oil which is exempt from the standards promulgated under section 3001(d), 3002, and 3003 under paragraph (1) shall require the transporters of such used oil to deliver such used oil to a facility which has a valid permit under section 3005 of this subtitle or which is deemed to have a valid permit under subsection (d) of this section. The Administrator shall also establish other standards for such transporters as may be necessary to protect human health and the environment.

"(d) PERMITS.—(1) The owner or operator of a facility which recycles used oil which is exempt under subsection (c)(1), shall be deemed to have a permit under this subsection for all such treatment or recycling (and any associated tank or container storage) if such owner and operator comply with standards promulgated by the Administrator under section 3004; except that the Administrator may require such owners and operators to obtain an individual permit under section 3005(c) if he determines that an individual permit is necessary to protect human health and the environment.

42 US

"(2) Notwithstanding any other provision of law, any generator who recycles used oil which is exempt under subsection (c)(1) shall not be required to obtain a permit under section 3005(c) with respect to such used oil until the Administrator has promulgated standards under section 3004 regarding the recycling of such used oil.".

42 USC 6

(b)(1) Section 7006(b) is amended by inserting after "3005" the following "(or in modifying or revoking any permit which is deemed to have been issued under section 3012(d)(1))".

(2) The third sentence of section 3006(b) is amended by inserting after "hazardous waste" the following "(and to enforce permits deemed to have been issued under section 3012(d)(1))".

42 USC 6926.

98 STAT. 3260

RECOVERY AND RECYCLING OF USED OIL

SEC. 242. Section 3014(a) of the Solid Waste Disposal Act (entitled "Restrictions on Recycled Oil"), as redesignated by section 502 of this Act and amended by section 241 of this Act, is amended by striking out the period at the end thereof and substituting ", consistent with the protection of human health and the environment.".

Ante, p. 3258.

EXPANSION DURING INTERIM STATUS

SEC. 243. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section after section 3014:

"EXPANSION DURING INTERIM STATUS

"SEC. 3015. (a) WASTE PILES.—The owner or operator of a waste pile qualifying for the authorization to operate under section 3005(e) shall be subject to the same requirements for liners and leachate collection systems or equivalent protection provided in regulations promulgated by the Administrator under section 3004 before October 1, 1982, or revised under section 3004(o) (relating to minimum technological requirements), for new facilities receiving individual permits under subsection (c) of section 3005, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under section 3005, and with respect to waste received beginning six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

Ante, p. 3258.
42 USC 6936.
Ante, p. 3241.
Ante, p. 3233.
Ante, pp. 3241, 3242.

"(b) LANDFILLS AND SURFACE IMPOUNDMENTS.—(1) The owner or operator of a landfill or surface impoundment qualifying for the authorization to operate under section 3005(e) shall be subject to the requirements of section 3004(o) (relating to minimum technological requirements), with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the waste management area identified in the permit application submitted under this section, and with respect to waste received beginning 6 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

"(2) The owner or operator of each unit referred to in paragraph (1) shall notify the Administrator (or the State, if appropriate) at least sixty days prior to receiving waste. The Administrator (or the State) shall require the filing, within six months of receipt of such notice, of an application for a final determination regarding the issuance of a permit for each facility submitting such notice.

"(3) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of this section and in good faith compliance with the Administrator's regulations and guidance documents governing liners and leachate collection systems, no liner or leachate collection system which is different from that which was so installed pursuant to this section shall be required for such unit by the Administrator when issuing the first permit under section 3005 to such facility, except that the Administrator shall not be precluded from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this section is leaking. The Administrator may, under section 3004, amend the requirements for liners and leachate collection systems required under this section as may be necessary to provide additional protection for human health and the environment.".

98 STAT. 3261

42 USC 6924.

(b) The table of contents for such subtitle C is amended by adding the following new item after the item relating to section 3014:

"Sec. 3015. Expansion during interim status.".

Ante, p. 3253.
42 USC 6925.

(c) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (h):

"(i) INTERIM STATUS FACILITIES RECEIVING WASTES AFTER JULY 26, 1982.—The standards concerning ground water monitoring, unsaturated zone monitoring, and corrective action, which are applicable under section 3004 to new landfills, surface impoundments, land treatment units, and waste-pile units required to be permitted under subsection (c) shall also apply to any landfill, surface impoundment, land treatment unit, or waste-pile unit qualifying for the authorization to operate under subsection (e) which receives hazardous waste after July 26, 1982.".

INVENTORY OF FEDERAL AGENCY HAZARDOUS WASTE FACILITIES

SEC. 244. Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section after section 3015:

"INVENTORY OF FEDERAL AGENCY HAZARDOUS WASTE FACILITIES

42 USC 6937.

"SEC. 3016. (a) Each Federal agency shall undertake a continuing program to compile, publish, and submit to the Administrator (and to the State in the case of sites in States having an authorized hazardous waste program) an inventory of each site which the Federal agency owns or operates or has owned or operated at which hazardous waste is stored, treated, or disposed of or has been disposed of at any time. The inventory shall be submitted every two years beginning January 31, 1986. Such inventory shall be available to the public as provided in section 3007(b). Information previously submitted by a Federal agency under section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or under section 3005 or 3010 of this Act, or under this section need not be resubmitted except that the agency shall update any previous submission to reflect the latest available data and information. The inventory shall include each of the following:

42 USC 9603.
42 USC 6925, 6930.

"(1) A description of the location of each site at which any such treatment, storage, or disposal has taken place before the date on which permits are required under section 3005 for such storage, treatment, or disposal, and where hazardous waste has been disposed, a description of hydrogeology of the site and the location of withdrawal wells and surface water within one mile of the site.

"(2) Such information relating to the amount, nature, and toxicity of the hazardous waste in each site as may be necessary to determine the extent of any health hazard which may be associated with any site.

"(3) Information on the known nature and extent of environmental contamination at each site, including a description of the monitoring data obtained.

"(4) Information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated, stored, or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

"(5) A list of sites at which hazardous waste has been disposed and environmental monitoring data has not been obtained, and the reasons for the lack of monitoring data at each site.

"(6) A description of response actions undertaken or contemplated at contaminated sites.

"(7) An identification of the types of techniques of waste treatment, storage, or disposal which have been used at each site.

"(8) The name and address and responsible Federal agency for each site, determined as of the date of preparation of the inventory.

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any Federal agency under subsection (a) is not adequately providing information respecting the sites referred to in subsection (a), the Administrator shall notify the chief official of such agency. If within ninety days following such notification, the Federal agency has not undertaken a program to adequately provide such information, the Administrator shall carry out the inventory program for such agency.".

EXPORT OF HAZARDOUS WASTE

SEC. 245. (a) Subtitle C of the Solid Waste Disposal Act is amended by inserting the following new section after section 3016:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3017. (a) IN GENERAL.—Beginning twenty-four months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, no person shall export any hazardous waste identified or listed under this subtitle unless 42 USC 6938.

"(1)(A) such person has provided the notification required in subsection (c) of this section,

"(B) the government of the receiving country has consented to accept such hazardous waste,

"(C) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment, and

"(D) the shipment conforms with the terms of the consent of the government of the receiving country required pursuant to subsection (e), or

"(2) the United States and the government of the receiving country have entered into an agreement as provided for in subsection (f) and the shipment conforms with the terms of such agreement.

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall promulgate the regulations necessary to implement this section. Such regulations shall become effective one hundred and eighty days after promulgation.

98 STAT. 3263

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under this subtitle beginning twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall contain the following information:

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported; and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within thirty days of the Administrator's receipt of a complete notification under this section, the Secretary of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the government of the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within thirty days of receipt by the Secretary of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsections (a)(2) and (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Hazardous and Solid Waste Amendments of 1984, any person who exports any hazardous waste identified or listed under section 3001 of this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

42 USC 6921.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

42 USC 6922, 6923.

98 STAT. 3264

(b) The table of contents for such subtitle C is amended by adding the following new item after the item relating to section 3016:

"Sec. 3017. Export of hazardous waste.".

Ante, p. 3256.

(c) Section 3008(d) of the Solid Waste Disposal Act, as amended by section 232 of this Act, is amended by adding after paragraph (5) "; or" and the following new paragraph:

"(6) knowingly exports a hazardous waste identified or listed under this subtitle (A) without the consent of the receiving country or, (B) where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, in a manner which is not in conformance with such agreement".

DOMESTIC SEWAGE

SEC. 246. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section after section 3017:

"DOMESTIC SEWAGE

42 USC 6939.

42 USC 6921.

"SEC. 3018. (a) REPORT.—The Administrator shall, not later than 15 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, submit a report to the Congress concerning those substances identified or listed under section 3001 which are not regulated under this subtitle by reason of the exclusion for mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works. Such report shall include the types, size and number of generators which dispose of such substances in this manner, the types and quantities disposed of in this manner, and the identification of significant generators, wastes, and waste constituents not regulated under existing Federal law or regulated in a manner sufficient to protect human health and the environment.

"(b) Revisions of Regulations.—Within eighteen months after submitting the report specified in subsection (a), the Administrator shall revise existing regulations and promulgate such additional regulations pursuant to this subtitle (or any other authority of the Administrator, including section 307 of the Federal Water Pollution Control Act) as are necessary to assure that substances identified or listed under section 3001 which pass through a sewer system to a publicly owned treatment works are adequately controlled to protect human health and the environment.

33 USC 1317.

"(c) Report on Wastewater Lagoons.—The Administrator shall, within thirty-six months after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, submit a report to Congress concerning wastewater lagoons at publicly owned treatment works and their effect on groundwater quality. Such report shall include—

"(1) the number and size of such lagoons;

"(2) the types and quantities of waste contained in such lagoons;

"(3) the extent to which such waste has been or may be released from such lagoons and contaminate ground water; and

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"(4) available alternatives for preventing or controlling such releases.

The Administrator may utilize the authority of sections 3007 and 3013 for the purpose of completing such report.

42 USC 6927, 6934.

"(d) Application of Section 3010 and Section 3007.—The provisions of sections 3007 and 3010 shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

42 USC 6930, 6927.

(c) The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"Sec. 3018. Domestic sewage.".

EXPOSURE INFORMATION AND HEALTH ASSESSMENTS

Sec. 247. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section after section 3018:

"EXPOSURE INFORMATION AND HEALTH ASSESSMENTS

"Sec. 3019. (a) Exposure Information.—Beginning on the date nine months after the enactment of the Hazardous and Solid Waste Amendments of 1984, each application for a final determination regarding a permit under section 3005(c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

42 USC 6939a.

Ante, pp. 3241, 3242.

"(1) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(2) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under paragraph (1); and

"(3) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which an application for such a final determination under section 3005(c) has been submitted prior to the date of enactment of the Hazardous and Solid Waste Amendments of 1984 shall submit the information required by this subsection to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(b) HEALTH ASSESSMENTS.—(1) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by subsection (a), together with other relevant information, available to the Agency for Toxic Substances and Disease Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

42 USC 9604.

"(2) Whenever in the judgment of the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator or the State (with the concurrence of the Administrator) may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with such facility and take other appropriate action with respect to such risks as authorized by section 104 (b) and (i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980. If funds are provided in connection with such request the Administrator of such Agency shall conduct such health assessment.

42 USC 9604.

"(c) MEMBERS OF THE PUBLIC.—Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Disease Registry, the Administrator, or the State (in the case of a State with an authorized program).

"(d) PRIORITY.—In determining the order in which to conduct health assessments under this subsection, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous constituents, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in subsection (f).

"(e) PERIODIC REPORTS.—The Administrator of such Agency shall issue periodic reports which include the results of all the assessments carried out under this section. Such assessments or other activities shall be reported after appropriate peer review.

"(f) DEFINITION.—For the purposes of this section, the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities subject to this section, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(g) COST RECOVERY.—In any case in which a health assessment performed under this section discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such release.". 42 USC 9607.

(b) The table of contents for such subtitle C is amended by inserting the following new item after the item relating to section 3018:

"Sec. 3019. Exposure information and health assessments.".

TITLE III—PROVISIONS RELATING TO SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT

SIZE OF WASTE-TO-ENERGY FACILITIES

SEC. 301. (a) Section 4001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "In developing such comprehensive plans, it is the intention of this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.". *Post*, p. 3276.

(b) Section 4003 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof: *Post*, p. 3277.

"(d) SIZE OF WASTE-TO-ENERGY FACILITIES.—Notwithstanding any of the above requirements, it is the intention of this Act and the planning process developed pursuant to this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

SUBTITLE D IMPROVEMENTS

SEC. 302. (a)(1) Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section after section 4009:

"ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

"SEC. 4010. (a) STUDY.—The Administrator shall conduct a study of the extent to which the guidelines and criteria under this Act (other than guidelines and criteria for facilities to which subtitle C applies) which are applicable to solid waste management and disposal facilities, including, but not limited to landfills and surface impoundments, are adequate to protect human health and the environment from ground water contamination. Such study shall include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect ground water and shall also include recommendation with respect to any additional enforcement authorities which the Administrator, in consultation with the Attorney General, deems necessary for such purposes. 42 USC 6949a. 42 USC 6921. 42 USC 6907, 6944.

"(b) REPORT.—Not later than thirty-six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall submit a report to the Congress setting forth the results of the study required under this section, together with any recommendations made by the Administrator on the basis of such study.

"(c) REVISIONS OF GUIDELINES AND CRITERIA.—Not later than March 31, 1988, the Administrator shall promulgate revisions of the criteria promulgated under paragraph (1) of section 4004(a) and under section 1008(a)(3) for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators under section 3001(d). The criteria shall be those necessary to protect human health and the environment and may take into account the practicable capability of such facilities. At a minimum *Ante*, p. 3248.

98 STAT. 3268 such revisions for facilities potentially receiving such wastes should require ground water monitoring as necessary to detect contamination, establish criteria for the acceptable location of new or existing facilities, and provide for corrective action as appropriate.".

(2) The table of contents for such subtitle D is amended by adding the following new item after the item relating to 4009:

"Sec. 4010. Adequacy of certain guidelines and criteria.".

42 USC 6944. (b) Section 4004(c) of the Solid Waste Disposal Act is amended by striking all after "subsection (a)" through "later".

42 USC 6945. (c) Section 4005 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (b):

"(c) Control of Hazardous Disposal.—(1)(A) Not later than 36 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, each State shall adopt and implement a permit program or other system of prior approval and conditions to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3001(d) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the applicable criteria promulgated under section 4004(a) and section 1008(a)(3).

Ante, p. 3248.
42 USC 6925.
42 USC 6907.

"(B) Not later than eighteen months after the promulgation of revised criteria under subsection 4004(a) (as required by section 4010(c)), each State shall adopt and implement a permit program or other system or prior approval and conditions, to assure that each solid waste management facility within such State which may receive hazardous household waste or hazardous waste due to the provision of section 3001(d) for small quantity generators (otherwise not subject to the requirement for a permit under section 3005) will comply with the criteria revised under section 4004(a).

Ante, p. 3267.

"(C) The Administrator shall determine whether each State has developed an adequate program under this paragraph. The Administrator may make such a determination in conjunction with approval, disapproval or partial approval of a State plan under section 4007.

42 USC 6947.

"(2)(A) In any State that the Administrator determines has not adopted an adequate program for such facilities under paragraph (1)(B) by the date provided in such paragraph, the Administrator may use the authorities available under sections 3007 and 3008 of this title to enforce the prohibition contained in subsection (a) of this section with respect to such facilities.

42 USC 6927, 6928.

"(B) For purposes of this paragraph, the term 'requirement of this subtitle' in section 3008 shall be deemed to include criteria promulgated by the Administrator under sections 1008(a)(3) and 4004(a) of this title, and the term 'hazardous wastes' in section 3007 shall be deemed to include solid waste at facilities that may handle hazardous household wastes or hazardous wastes from small quantity generators.".

TITLE IV—PROVISIONS RELATING PRIMARILY TO SUBTITLE G OF THE SOLID WASTE DISPOSAL ACT

CITIZEN SUITS

42 USC 6972. Sec. 401. (a) Section 7002(a)(1) of the Solid Waste Disposal Act is amended by—

98 STAT. 3269 (1) inserting "prohibition," immediately after "requirement,";

(2) inserting "(A)" immediately after "(1)"; and

(3) inserting the following at the end thereof:

"(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or".

(b) Section 7002(a) of the Solid Waste Disposal Act is amended by— 42 USC 6972.

(1) inserting "or the alleged endangerment may occur" immediately after "the alleged violation occurred" in the first sentence following paragraph (2); and

(2) striking "to enforce such regulation or order, or to order the Administrator to perform such act or duty as the case may be" in the portion following paragraph (2) and inserting in lieu thereof the following: "to enforce the permit, standard, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1)(A), to restrain any person who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in paragraph (1)(B), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 3008 (a) and (g)". 42 USC 6928.

(c) Section 7002 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(g) TRANSPORTERS.—A transporter shall not be deemed to have contributed or to be contributing to the handling, storage, treatment, or disposal, referred to in subsection (a)(1)(B) taking place after such solid waste or hazardous waste has left the possession or control of such transporter, if the transportation of such waste was under a sole contractual arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

(d) Section 7002(b) of the Solid Waste Disposal Act is amended to read as follows:

"(b) ACTIONS PROHIBITED.—(1) No action may be commenced under subsection (a)(1)(A) of this section—

"(A) prior to 60 days after the plaintiff has given notice of the violation to—

"(i) the Administrator;

"(ii) the State in which the alleged violation occurs; and

"(iii) to any alleged violator of such permit, standard, regulation, condition, requirement, prohibition, or order,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of subtitle C of this Act; or 42 USC 6921.

"(B) if the Administrator or State has commenced and is 98 STAT. 3270 diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such permit, standard, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1)(A) in a court of the United States, any person may intervene as a matter of right.

"(2)(A) No action may be commenced under subsection (a)(1)(B) of this section prior to ninety days after the plaintiff has given notice of the endangerment to—

"(i) the Administrator;

"(ii) the State in which the alleged endangerment may occur;

"(iii) any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in subsection (a)(1)(B), except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of subtitle C of this Act.

"(B) No action may be commenced under subsection (a)(1)(B) of this section if the Administrator, in order to restrain or abate acts or conditions which may have contributed or are contributing to the activities which may present the alleged endangerment—

42 USC 6973.

42 USC 9606.

"(i) has commenced and is diligently prosecuting an action under section 7003 of this Act or under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980,

42 USC 9604.

"(ii) is actually engaging in a removal action under section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980;

"(iii) has incurred costs to initiate a Remedial Investigation and Feasibility Study under section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and is diligently proceeding with a remedial action under that Act; or

"(iv) has obtained a court order (including a consent decree) or issued an administrative order under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 980 or section 7003 of this Act pursuant to which a responsible party is diligently conducting a removal action, Remedial Investigation and Feasibility Study (RIFS), or proceeding with a remedial action.

In the case of an administrative order referred to in clause (iv), actions under subsection (a)(1)(B) are prohibited only as to the scope and duration of the administrative order referred to in clause (iv).

"(C) No action may be commenced under subsection (a)(1)(B) of this section if the State, in order to restrain or abate acts or conditions which may have contributed or are contributing to the activities which may present the alleged endangerment—

"(i) has commenced and is diligently prosecuting an action under subsection (a)(1)(B);

"(ii) is actually engaging in a removal action under section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980; or

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42 USC 9604.

"(iii) has incurred costs to initiate a Remedial Investigation and Feasibility Study under section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and is diligently proceeding with a remedial action under that Act.

"(D) No action may be commenced under subsection (a)(1)(B) by any person (other than a State or local government) with respect to the siting of a hazardous waste treatment, storage, or a disposal facility, nor to restrain or enjoin the issuance of a permit for such facility.

"(E) In any action under subsection (a)(1)(B) in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the Administrator or the State shows that the applicant's interest is adequately represented by existing parties.

"(F) Whenever any action is brought under subsection (a)(1)(B) in a court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and with the Administrator.".

42 USC 6972.

(e) Section 7002(e) of the Solid Waste Disposal Act is amended by striking out "to any party" and substituting in lieu thereof "to the prevailing or substantially prevailing party" and inserting "or section 7006" after "this section".

IMMINENT HAZARD

42 USC 6973.

SEC. 402. Section 7003(a) of the Solid Waste Disposal Act is amended by—

(1) inserting "past or present" after "evidence that the";

(2) striking "to immediately restrain any person" and inserting in lieu thereof "against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is";

(3) striking "to stop" and inserting in lieu thereof "to restrain such person from";

(4) striking "or to take such other action as may be necessary" and substituting ", to order such person to take such other action as may be necessary, or both"; and

(5) inserting after the first sentence thereof the following: "A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal taking place after such solid waste or hazardous waste has left the possession or control of such transporter if the transportation of such waste was under a sole contractural arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste.".

ENFORCEMENT

42 USC 6973.

SEC. 403. (a) Section 7003 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (b) thereof:

"(c) IMMEDIATE NOTICE.—Upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment, the Administrator shall provide immediate notice to the appropriate local government agencies. In addition, the Administrator shall require notice of such endangerment to be promptly posted at the site where the waste is located.".

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(b)(1) Subtitle G of the Solid Waste Disposal Act is amended by adding the following new section after section 7011:

"LAW ENFORCEMENT AUTHORITY

Post, p. 3273.
42 USC 6979b.

"SEC. 7012. The Attorney General of the United States shall, at the request of the Administrator and on the basis of a showing of need, deputize qualified employees of the Environmental Protection Agency to serve as special deputy United States marshals in criminal investigations with respect to violations of the criminal provisions of this Act.".

(2) The table of contents for subtitle G of such Act is amended by inserting the following new item after the item relating to section 7011.

"Sec. 7012. Law enforcement authority.".

42 USC 6945.
42 USC 6972.

(c) Section 4005 of the Solid Waste Disposal Act is amended by inserting after the first sentence in subsection (a) the following: "The prohibition contained in the preceding sentence shall be enforceable under section 7002 against persons engaged in the act of open dumping."

42 USC 6928.

(d)(1) Section 3008(a)(1) of the Solid Waste Disposal Act is amended to read as follows: "(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the

Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.".

(2) Section 3008(a)(3) of such Act is amended to read as follows:

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.".

(3) Section 3008(c) of such Act is amended to read as follows:

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).".

42 USC 6912.

(4) Section 2002 of such Act is amended by inserting the following at the end thereof:

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"(c) CRIMINAL INVESTIGATIONS.—In carrying out the provisions of this Act, the Administrator, and duly-designated agents and employees of the Environmental Protection Agency, are authorized to initiate and conduct investigations under the criminal provisions of this Act, and to refer the results of these investigations to the Attorney General for prosecution in appropriate cases.".

42 USC 6976.

(5) Section 7006(b) of such Act is amended by inserting the following before the last sentence thereof: "Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.".

PUBLIC PARTICIPATION IN SETTLEMENTS

Ante, p. 3271.

SEC. 404. Section 7003 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (c) thereof:

"(d) PUBLIC PARTICIPATION IN SETTLEMENTS.—Whenever the United States or the Administrator proposes to covenant not to sue or to forbear from suit or to settle any claim arising under this section, notice, and opportunity for a public meeting in the affected area, and a reasonable opportunity to comment on the proposed settlement prior to its final entry shall be afforded to the public. The decision of the United States or the Administrator to enter into or not to enter into such Consent Decree, covenant or agreement shall not constitute a final agency action subject to judicial review under this Act or the Administrative Procedure Act.".

5 USC note prec. 551.

INTERIM CONTROL OF HAZARDOUS WASTE INJECTION

SEC. 405. (a) Subtitle G of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"INTERIM CONTROL OF HAZARDOUS WASTE INJECTION

Prohibition.
42 USC 6979a.

"SEC. 7010. (a) UNDERGROUND SOURCE OF DRINKING WATER.—No hazardous waste may be disposed of by underground injection—

"(1) into a formation which contains (within one-quarter mile of the well used for such underground injection) an underground source of drinking water; or

"(2) above such a formation.

The prohibitions established under this section shall take effect 6 months after the enactment of the Hazardous and Solid Waste

Amendments of 1984 except in the case of any State in which identical or more stringent prohibitions are in effect before such date under the Safe Drinking Water Act. 42 USC 201 note.

"(b) Actions Under CERCLA.—Subsection (a) shall not apply to the injection of contaminated ground water into the aquifer from which it was withdrawn, if—

"(1) such injection is—

"(A) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or 42 USC 9604, 9606.

"(B) part of corrective action required under this title intended to clean up such contamination;

"(2) such contaminated ground water is treated to substantially reduce hazardous constituents prior to such injection; and

"(3) such response action or corrective action will, upon completion, be sufficient to protect human health and the environment.

"(c) Enforcement.—In addition to enforcement under sections 7002 and 7003 of this Act, the prohibitions established under paragraphs (1) and (2) of subsection (a) shall be enforceable under the Safe Drinking Water Act in any State— 42 USC 6972, 6973. 42 USC 201 note.

"(1) which has adopted identical or more stringent prohibitions under part C of the Safe Drinking Water Act and which has assumed primary enforcement responsibility under that Act for enforcement of such prohibitions; or 42 USC 300h.

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"(2) in which the Administrator has adopted identical or more stringent prohibitions under the Safe Drinking Water Act and is exercising primary enforcement responsibility under that Act for enforcement of such prohibitions.

"(d) The terms 'primary enforcement responsibility', 'underground source of drinking water', 'formation' and 'well' have the same meanings as provided in regulations of the Administrator under the Safe Drinking Water Act. The term 'Safe Drinking Water Act' means title XIV of the Public Health Service Act.". 42 USC 300f.

(b) Table of Contents.—The table of contents for such subtitle G is amended by inserting the following new item at the end thereof:

"Sec. 7010. Interim control of hazardous waste injection.".

TITLE V—PROVISIONS RELATING TO SEVERAL SUBTITLES OF THE SOLID WASTE DISPOSAL ACT

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

Sec. 501. (a) Section 6002 of the Solid Waste Disposal Act is amended by adding the following new subsections after subsection (g) thereof— 42 USC 6962.

"(h) Definition.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) postconsumer materials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

"(B) all paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste, and

"(2) manufacturing, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

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"(D) wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

"(E) fibers recovered from waste water which otherwise would enter the waste stream.

"(i) Procurement Program.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable and which is consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring estimates of the total percentage of recovered material utilized in the performance of a contract; certification of minimum recovered material content actually utilized, where appropriate; and reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) Case-by-Case Policy Development: Subject to the limitations of subsection (c)(1) (A) through (C), a policy of awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1)). Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) Minimum Content Standards: Minimum recovered materials content specifications which are set in such a way as to assure that the recovered materials content (and in the case of paper, the content of post consumer materials referred to in subsection (h)(1)) required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subsection (c)(1) (A) through (C).

Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B) or a substantially equivalent alternative, for inclusion in the affirmative procurement program.".

42 USC 6962.

(b) Section 6002(e) of the Solid Waste Disposal Act is amended by—

(1) adding the following after "section" in paragraph (1): ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) striking out "for at least three product categories" and all that follows down through "1982" and substituting "for paper within one hundred and eighty days after the enactment of the Hazardous and Solid Waste Amendments of 1984, and for three

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additional product categories (including tires) by October 1, 1985".

42 USC 6962.

(c) Section 6002(c)(1) of the Solid Waste Disposal Act is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the postconsumer recovered materials referred to in subsection (h)(1) practicable)".

(d) Section 6002(g) of the Solid Waste Disposal Act is amended by—

(1) striking out "the policy expressed in" and substituting "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to, every two years beginning in 1984, report to the Congress on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

Effective date.

(e) Section 6002(d)(1) of the Solid Waste Disposal Act is amended by striking out "five years after the date of enactment of this Act" and substituting "eighteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984".

42 USC 6941.

Ante, p. 3274.

(f)(1) Section 4001 of the Solid Waste Disposal Act, as amended by section 301 of this Act, is further amended by inserting ", including those needs created by thorough implementation of section 6002(h)," after "adequate provision shall be given to the present and reasonably anticipated future needs".

Ante, p. 3225.

(2) Section 1006(b) of the Solid Waste Disposal Act is amended by adding the following new paragraph after paragraph (2) thereof (as added by section 102 of this Act):

"(3) Notwithstanding any other provisions of law, in developing solid waste plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provisions shall be given to the present and reasonably anticipated future needs, including those needs created by thorough implementation of section 6002(h), of the recycling and resource recovery interests within the area encompassed by the solid waste plan.".

TECHNICAL AND CLERICAL AMENDMENTS

42 USC 6927.

SEC. 502. (a) Section 3007(b) of the Solid Waste Disposal Act is amended by inserting the following after the word "information" : "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

42 USC 6915.

(b) Section 2006(1) of the Solid Waste Disposal Act is amended by striking out "detail" and substituting "detailed".

42 USC 6945.

(c) Section 4005(a) of the Solid Waste Disposal Act is amended by inserting a closing parenthetical mark before the period at the end thereof.

42 USC 6948.

(d) The second paragraph (2) in section 4008(d) of the Solid Waste Disposal Act is redesignated as paragraph (3).

(e) Section 4008 of the Solid Waste Disposal Act is amended by redesignating the second subsection (f) (entitled "Assistance to Municipalities for Energy and Materials Conservation and Recovery Planning Activities") as subsection (g).

42 USC 6984.

(f) Section 8004(c) of the Solid Waste Disposal Act is amended by inserting "(1)" immediately after "COST SHARING.—".

42 USC 6932, 6935.

(g)(1) Section 3012 of the Solid Waste Disposal Act entitled "Restrictions on Recycled Oil," is renumbered as section 3014 and inserted after section 3013.

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(2) The item in the table of contents of such Act relating to 3012 of the Solid Waste Disposal Act and entitled "Restrictions on Recycled Oil," is renumbered as 3014 and inserted after the item relating to section 3013.

42 USC 6943.

(h) Subsection (b) of section 4003 of the Solid Waste Disposal Act, entitled "Energy and Materials Conservation and Recovery Feasibility Planning and Assistance" is redesignated as subsection (c) of such section 4003.

TITLE VI—UNDERGROUND STORAGE TANKS

UNDERGROUND STORAGE TANK REGULATION

SEC. 601. (a) The Solid Waste Disposal Act is amended by adding the following new subtitle after subtitle H:

"Subtitle I—Regulation of Underground Storage Tanks

"DEFINITIONS AND EXEMPTIONS

42 USC 6991.

"SEC. 9001. For the purposes of this subtitle—

"(1) The term 'underground storage tank' means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any—

"(A) farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes,

Petroleum and petroleum products.

"(B) tank used for storing heating oil for consumptive use on the premises where stored,

"(C) septic tank,

"(D) pipeline facility (including gathering lines) regulated under—

"(i) the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.),

"(ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph,

"(E) surface impoundment, pit, pond, or lagoon,

"(F) storm water or waste water collection system,

"(G) flow-through process tank,

"(H) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations, or

"(I) storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term 'underground storage tank' shall not include any pipes connected to any tank which is described in subparagraphs (A) through (I).

"(2) The term 'regulated substance' means—

42 USC 9601.
42 USC 6921.

"(A) any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C), and

"(B) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

"(3) The term 'owner' means—

"(A) in the case of an underground storage tank in use on the date of enactment of the Hazardous and Solid Waste Amendments of 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated sustances, and

"(B) in the case of any underground storage tank in use before the date of enactment of the Hazardous and Solid Waste Amendments of 1984, but no longer in use on the date of enactment of such Amendments, any person who owned such tank immediately before the discontinuation of its use.

"(4) The term 'operator' means any person in control of, or having responsibility for, the daily operation of the underground storage tank.

"(5) The term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils.

"(6) The term 'person' has the same meaning as provided in section 1004(15), except that such term includes a consortium, a joint venture, and a commercial entity, and the United States Government.

"(7) The term 'nonoperational storage tank' means any underground storage tank in which regulated substances will not be deposited or from which regulated substances will not be dispensed after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984.

"NOTIFICATION

"SEC. 9002. (a) UNDERGROUND STORAGE TANKS.—(1) Within 18 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, each owner of an underground storage tank shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tank. 42 USC 6991a.

"(2)(A) For each underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall, within eighteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, notify the State or local agency, or department designated pursuant to subsection (b)(1) of the existence of such tanks (unless the owner knows the tank subsequently was removed from the ground). The owner of a tank taken out of operation on or before January 1, 1974, shall not be required to notify the State or local agency under this subsection.

"(B) Notice under subparagraph (A) shall specify, to the extent known to the owner—

"(i) the date the tank was taken out of operation,

"(ii) the age of the tank on the date taken out of operation,

"(iii) the size, type and location of the tank, and

"(iv) the type and quantity of substances left stored in such tank on the date taken out of operation.

"(3) Any owner which brings into use an underground storage tank after the initial notification period specified under paragraph (1), shall notify the designated State or local agency or department within thirty days of the existence of such tank, specifying the age, size, type, location and uses of such tank.

"(4) Paragraphs (1) through (3) of this subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. 42 USC 9603.

"(5) Beginning thirty days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for eighteen months thereafter, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

Infra.

"(6) Beginning thirty days after the Administrator issues new tank performance standards pursuant to section 9003(e) of this subtitle, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification requirements pursuant to this subsection.

State and local governments.

"(b) AGENCY DESIGNATION.—(1) Within one hundred and eighty days after the enactment of the Hazardous and Solid Waste Amendments of 1984, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a) (1), (2), or (3).

Public information.

"(2) Within twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator, in consultation with State and local officials designated pursuant to subsection (b)(1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a) (1), (2), or (3). In prescribing the form of such notice, the Administrator shall take into account the effect on small businesses and other owners and operators.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

42 USC 6991b

"SEC. 9003. (a) REGULATIONS.—The Administrator, after notice and opportunity for public comment, and at least three months before the effective dates specified in subsection (f), shall promulgate release detection, prevention, and correction regulations applicable to all owners and operators of underground storage tanks, as may be necessary to protect human health and the environment.

"(b) DISTINCTIONS IN REGULATIONS.—In promulgating regulations under this section, the Administrator may distinguish between types, classes, and ages of underground storage tanks. In making such distinctions, the Administrator may take into consideration factors, including, but not limited to: location of the tanks, soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry recommended practices, national consensus codes, hydrogeology, water table, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tank, the technical capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the tank is fabricated.

98 STAT. 3280

"(c) REQUIREMENTS.—The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting all underground storage tanks—

"(1) requirements for maintaining a leak detection system, an inventory control system together with tank testing, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment;

"(2) requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing or comparable system;

"(3) requirements for reporting of releases and corrective action taken in response to a release from an underground storage tank;

"(4) requirements for taking corrective action in response to a release from an underground storage tank; and

"(5) requirements for the closure of tanks to prevent future releases of regulated substances into the environment.

"(d) FINANCIAL RESPONSIBILITY.—(1) As he deems necessary or desirable, the Administrator shall promulgate regulations containing requirements for maintaining evidence of financial responsibility as he deems necessary and desirable for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.

"(2) Financial responsibility required by this subsection may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this subsection, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this subtitle.

Courts, U.S.

"(3) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this subsection may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this paragraph such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(4) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

42 USC 9607, 9611.

"(5) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

"(e) New Tank Performance Standards.—The Administrator shall, not later than three months prior to the effective date specified in subsection (f), issue performance standards for underground storage tanks brought into use on or after the effective date of such standards. The performance standards for new underground storage tanks shall include, but need not be limited to, design, construction, installation, release detection, and compatibility standards.

"(f) Effective Dates.—(1) Regulations issued pursuant to subsection (c) and (d) of this section, and standards issued pursuant to subsection (e) of this section, for underground storage tanks containing regulated substances defined in section 9001(2)(B) (petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure) shall be effective not later than thirty months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

"(2) Standards issued pursuant to subsection (e) of this section (entitled 'New Tank Performance Standards') for underground storage tanks containing regulated substances defined in section 9001(2)(A) shall be effective not later than thirty-six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

"(3) Regulations issued pursuant to subsection (c) of this section (entitled 'Requirements') and standards issued pursuant to subsection (d) of this section (entitled 'Financial Responsibility') for underground storage tanks containing regulated substances defined in section 9001(2)(A) shall be effective not later than forty-eight months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984.

"(g) INTERIM PROHIBITION.—(1) Until the effective date of the standards promulgated by the Administrator under subsection (e) and after one hundred and eighty days after the date of the enactment of the Hazardous and Solid Waste Amendments of 1984, no person may install an underground storage tank for the purpose of storing regulated substances unless such tank (whether of single or double wall construction)—

"(A) will prevent releases due to corrosion or structural failure for the operational life of the tank;

"(B) is cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed in a manner to prevent the release or threatened release of any stored substance; and

"(C) the material used in the construction or lining of the tank is compatible with the substance to be stored.

"(2) Notwithstanding paragraph (1), if soil tests conducted in accordance with ASTM Standard G57-78, or another standard approved by the Administrator, show that soil resistivity in an installation location is 12,000 ohm/cm or more (unless a more stringent standard is prescribed by the Administrator by rule), a storage tank without corrosion protection may be installed in that location during the period referred to in paragraph (1).

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"APPROVAL OF STATE PROGRAMS

42 USC 6991c.

"SEC. 9004. (a) ELEMENTS OF STATE PROGRAM.—Beginning 30 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, any State may, submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The program may cover tanks used to store regulated substances referred to in 9001(2) (A) or (B) or both. A State program may be approved by the Administrator under this section only if the State demonstrates that the State program includes the following requirements and standards and provides for adequate enforcement of compliance with such requirements and standards—

"(1) requirements for maintaining a leak detection system, an inventory control system together with tank testing, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment;

"(2) requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

"(3) requirements for reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(4) requirements for taking corrective action in response to a release from an underground storage tank;

"(5) requirements for the closure of tanks to prevent future releases of regulated substances into the environment;

"(6) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank;

"(7) standards of performance for new underground storage tanks; and

"(8) requirements—

"(A) for notifying the appropriate State agency or department (or local agency or department) designated according to section 9002(b)(1) of the existence of any operational or non-operational underground storage tank; and

"(B) for providing the information required on the form issued pursuant to section 9002(b)(2).

"(b) **Federal Standards.**—(1) A State program submitted under this section may be approved only if the requirements under paragraphs (1) through (7) of subsection (a) are no less stringent than the corresponding requirements standards promulgated by the Administrator pursuant to section 9003(a).

"(2)(A) A State program may be approved without regard to whether or not the requirements referred to in paragraphs (1), (2), (3), and (5) of subsection (a) are less stringent than the corresponding standards under section 9003(a) during the one-year period commencing on the date of promulgation of regulations under section 9003(a) if State regulatory action but no State legislative action is required in order to adopt a State program.

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"(B) If such State legislative action is required, the State program may be approved without regard to whether or not the requirements referred to in paragraphs (1), (2), (3), and (5) of subsection (a) are less stringent than the corresponding standards under section 9003(a) during the two-year period commencing on the date of promulgation of regulations under section 9003(a) (and during an additional one-year period after such legislative action if regulations are required to be promulgated by the State pursuant to such legislative action).

State and local governments.

"(c) **Financial Responsibility.**—(1) Corrective action and compensation programs financed by fees on tank owners and operators and administered by State or local agencies or departments may be submitted for approval under subsection (a)(6) as evidence of financial responsibility.

"(2) Financial responsibility required by this subsection may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this subsection, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this subtitle.

Claims.

"(3) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this subsection may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this paragraph such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(4) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

42 USC 9607, 9611.

"(5) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

Public information.

"(d) **EPA Determination.**—(1) Within one hundred and eighty days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make

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a determination whether the State's program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section.

State and local governments.

"(2) If the Administrator determines that a State program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements of its program.

"(e) WITHDRAWAL OF AUTHORIZATION.—Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this subtitle in accordance with the provisions of this section, he shall so notify the State. If appropriate action is not taken within a reasonable time, not to exceed one hundred and twenty days after such notification, the Administrator shall withdraw approval of such program and reestablish the Federal program pursuant to this subtitle.

"INSPECTIONS, MONITORING, AND TESTING

42 USC 6991d.

"Sec. 9005. (a) FURNISHING INFORMATION.—For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this subtitle, any owner or operator of an underground storage tank (or any tank subject to study under section 9009 that is used for storing regulated substances) shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State with an approved program, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, and permit such officer at all reasonable times to have access to, and to copy all records relating to such tanks. For the purposes of developing or assisting in the development of any regulation, conducting any study, or enforcing the provisions of this subtitle, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any regulated substances contained in such tank; and

"(3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water.

Each such inspection shall be commenced and completed with reasonable promptness.

Records.
Reports.

"(b) CONFIDENTIALITY.—(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevent in any proceeding under this Act.

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Crimes and misdemeanors.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this subtitle, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this subtitle.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Evironmental Protection Agency).

"FEDERAL ENFORCEMENT

Crimes and misdemeanors.
42 USC 6991e.

"Sec. 9006. (a) Compliance Orders.—(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this subtitle, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle where such violation occurs in a State with a program approved under section 9004, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If a violator fails to comply with an order under this subsection within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

Hearing.

"(b) Procedure.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Contents of Order.—Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

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Crimes and misdemeanors.

"(d) Civil Penalties.—(1) Any owner who knowingly fails to notify or submits false information pursuant to section 9002(a) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(2) Any owner or operator of an underground storage tank who fails to comply with—

"(A) any requirement or standard promulgated by the Administrator under section 9003;

"(B) any requirement or standard of a State program approved pursuant to section 9004; or

"(C) the provisions of section 9003(g) (entitled 'Interim Prohibition')

shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"FEDERAL FACILITIES

42 USC 6991f.

"SEC. 9007. (a) APPLICATION OF SUBTITLE.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to such tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief.

President of U.S.

"(b) PRESIDENTIAL EXEMPTION.—The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

Report.

"STATE AUTHORITY

42 USC 6991g.

"SEC. 9008. Nothing in this subtitle shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this subtitle.

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"STUDY OF UNDERGROUND STORAGE TANKS

Study.
42 USC 6991h.

"SEC. 9009. (a) PETROLEUM TANKS.—Not later than twelve months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall complete a study of underground storage tanks used for the storage of regulated substances defined in section 9001(2)(B).

Study.

"(b) OTHER TANKS.—Not later than thirty-six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall complete a study of all other underground storage tanks.

"(c) ELEMENTS OF STUDIES.—The studies under subsections (a) and (b) shall include an assessment of the ages, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from underground storage tanks; the effectiveness and costs of inventory systems, tank testing, and leak detection systems; and such other factors as the Administrator deems appropriate.

Study.

"(d) FARM AND HEATING OIL TANKS.—Not later than thirty-six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall conduct a study regarding the tanks referred to in section 9001(1) (A) and (B).

Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment.

"(e) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this subtitle.

"(f) REIMBURSEMENT.—(1) If any owner or operator (excepting an agency, department, or instrumentality of the United States Government, a State or a political subdivision thereof) shall incur costs, including the loss of business opportunity, due to the closure or interruption of operation of an underground storage tank solely for the purpose of conducting studies authorized by this section, the Administrator shall provide such person fair and equitable reimbursement for such costs.

"(2) All claims for reimbursement shall be filed with the Administrator not later than ninety days after the closure or interruption which gives rise to the claim.

"(3) Reimbursements made under this section shall be from funds appropriated by the Congress pursuant to the authorization contained in section 2007(g).

Ante, p. 3223.

"(4) For purposes of judicial review, a determination by the Administrator under this subsection shall be considered final agency action.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9010. For authorization of appropriations to carry out this subtitle, see section 2007(g).".

42 USC 6991i.

98 STAT. 3288

(b) The table of contents of the Solid Waste Disposal Act is amended by inserting the following after the items relating to subtitle H:

"Subtitle I—Regulation of Underground Storage Tanks

"Sec. 9001. Definitions.
"Sec. 9002. Notification.
"Sec. 9003. Release detection, prevention, and correction regulations.
"Sec. 9004. Approval of State programs.
"Sec. 9005. Inspections, monitoring, and testing.
"Sec. 9006. Federal enforcement.
"Sec. 9007. Federal facilities.
"Sec. 9008. State authority.
"Sec. 9009. Study of underground storage tanks.
"Sec. 9010. Authorization of appropriations.".

TITLE VII—OTHER PROVISIONS

REPORT TO CONGRESS ON INJECTION OF HAZARDOUS WASTE

SEC. 701. (a) The Administrator, in cooperation with the States, shall compile and, not later than six months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, an inventory of all wells in the United States which inject hazardous wastes. The inventory shall include the following information:

(1) the location and depth of each well;

(2) engineering and construction details of each, including the thickness and composition of its casing, the width and content of the annulus, and pump pressure and capacity;

(3) the hydrogeological characteristics of the overlying and underlying strata, as well as that into which the waste is injected;

(4) the location and size of all drinking water aquifers penetrated by the well, or within a one-mile radius of the well or within two hundred feet below the well injection point;

(5) the location, capacity, and population served by each well providing drinking or irrigation water which is within a five-mile radius of the injection well;

(6) the nature and volume of the waste injected during the one-year period immediately preceding the date of the report;

(7) the dates and nature of the inspections of the injection well conducted by independent third parties or agents of State, Federal, or local government;

(8) the name and address of all owners and operators of the well and any disposal facility associated with it;

(9) the identification of all wells at which enforcement actions have been initiated under this Act (by reason of well failure, operator error, ground water contamination or for other reasons) and an identification of the wastes involved in such enforcement actions; and

(10) such other information as the Administrator may, in his discretion, deem necessary to define the scope and nature of hazardous waste disposal in the United States through underground injection.

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(b) In fulfilling the requirements of paragraphs (3) through (5) of subsection (a), the Administrator need only submit such information as can be obtained from currently existing State records and from site visits to at least twenty facilities containing wells which inject hazardous waste.

(c) The States shall make available to the Administrator such information as he deems necessary to accomplish the objectives of this section.

EXTENDING THE USEFUL LIFE OF SANITARY LANDFILLS

Ante, p. 3253.

SEC. 702. Section 8002 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (r) thereof:

Study.

"(s) EXTENDING LANDFILL LIFE AND REUSING LANDFILLED AREAS.—The Administrator shall conduct detailed, comprehensive studies of methods to extend the useful life of sanitary landfills and to better use sites in which filled or closed landfills are located. Such studies shall address—

"(1) methods to reduce the volume of materials before placement in landfills;

"(2) more efficient systems for depositing waste in landfills;

"(3) methods to enhance the rate of decomposition of solid waste in landfills, in a safe and environmentally acceptable manner;

"(4) methane production from closed landfill units;

"(5) innovative uses of closed landfill sites, including use for energy production such as solar or wind energy and use for metals recovery;

"(6) potential for use of sewage treatment sludge in reclaiming landfilled areas; and

"(7) methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

Report.

The Administrator is authorized to conduct demonstrations in the areas of study provided in this subsection. The Administrator shall periodically report on the results of such studies, with the first such report not later than October 1, 1986. In carrying out this subsection, the Administrator need not duplicate other studies which have been completed and may rely upon information which has previously been compiled.".

URANIUM MILL TAILINGS

SEC. 703. Nothing in the Hazardous and Solid Waste Amendments of 1984 shall be construed to affect, modify, or amend the Uranium Mill Tailings Radiation Control Act of 1978.

42 USC 6905 note.
42 USC 7901 note.

NATIONAL GROUND WATER COMMISSION

Establishment.

SEC. 704. (a) There is established a commission to be known as the National Ground Water Commission (hereinafter in this section referred to as the "Commission").

(b) The duties of the Commission are to:

(1) Assess generally the amount, location, and quality of the Nation's ground water resources.

(2) Identify generally the sources, extent, and types of ground water contamination.

(3) Assess the scope and nature of the relationship between ground water contamination and ground water withdrawal and develop projections of available, usable ground water in future years on a nationwide basis.

(4) Assess the relationship between surface water pollution and ground water pollution.

(5) Assess the need for a policy to protect ground water from degradation caused by contamination.

(6) Assess generally the extent of overdrafting of ground water resources, and the adequacy of existing mechanisms for preventing such overdrafting.

(7) Assess generally the engineering and technological capability to recharge aquifers.

(8) Assess the adequacy of the present understanding of ground water recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

(9) Assess the role of land-use patterns as these relate to protecting ground water from contamination.

(10) Assess methods for remedial abatement of ground water contamination as well as the costs and benefits of cleaning up polluted ground water and compare cleanup costs to the costs of substitute water supply methods.

(11) Investigate policies and actions taken by foreign governments to protect ground water from contamination.

(12) Assess the use and effectiveness of existing interstate compacts to address ground water protection from contamination.

(13) Analyze existing legal rights and remedies regarding contamination of ground water.

(14) Assess the adequacy of existing standards for ground water quality under State and Federal law.

(15) Assess monitoring methodologies of the States and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

(16) Assess the relationship between ground water flow systems (and associated recharge areas) and the control of sources of contamination.

(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting ground water from contamination.

(18) Assess methods for abatement and containment of ground water contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

(19) Assess State and Federal ground water law and mechanisms with which to manage the quality of the ground water resource.

(20) Assess the adequacy of existing ground water research and determine future ground water research needs.

(21) Assess the roles of State, local, and Federal Governments in managing ground water quality.

(c)(1) The Commission shall be composed of nineteen members as follows:

(A) six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Energy and Commerce, two of whom shall be members of the Committee on Public Works and Transportation, and two of whom shall be members of the Committee on Interior and Insular Affairs;

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(B) four appointed by the majority leaders of the United States Senate from among the Members of the United States Senate;

(C) eight appointed by the President as follows:

(i) four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of ground water appropriation States and two of whom shall be representatives of ground water riparian States;

(ii) one from among a list of nominations submitted to the President by the National League of Cities and the United States Conference of Mayors;

(iii) one from among a list of nominations submitted to the President by the National Academy of Science;

(iv) one from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect ground water; and

(v) one from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to ground water; and

(D) the Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than three of the six members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed inter-

5 USC 5332 note.

mittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

98 STAT. 3292

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

Report.

(f)(1) The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1986. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

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Study.
Report.

(2) Not later than one year after the enactment of the Hazardous and Solid Waste Amendments of 1984, the Commission shall complete a preliminary study concerning ground water contamination from hazardous and other solid waste and submit to the President and to the Congress a report containing the findings and conclusions of such preliminary study. The study shall be continued thereafter,

and final findings and conclusions shall be incorporated as a separate chapter in the report required under paragraph (1). The preliminary study shall include an analysis of the extent of ground water contamination caused by hazardous and other solid waste, the regions and major water supplies most significantly affected by such contamination, and any recommendations of the Commission for preventive or remedial measures to protect human health and the environment from the effects of such contamination.

Termination.

(g) The Commission shall cease to exist on January 1, 1987.

(h) Nothing in this section and no recommendation of the Commission shall affect any rights to quantities of water established under State law, interstate compact, or Supreme Court decree.

Appropriation authorization.

(i) There is authorized to be appropriated for the fiscal years 1985 through 1987 not to exceed $7,000,000 to carry out this section.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 2867:

HOUSE REPORTS: No. 98-198, Pts. 1 and 2 (Comm. on Energy and Commerce), Pt. 3 (Comm. on the Judiciary) and No. 98-1133 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Aug. 4, Oct. 6, 31, Nov. 3, considered and passed House.
Vol. 130 (1984): July 25, considered and passed Senate, amended.
Oct. 3, House agreed to conference report.
Oct. 5, Senate agreed to conference report.

Public Law 98-266
98th Congress

98 STAT. 153

An Act

To authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

Apr. 17, 1984
[H.R. 4835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) such amounts as may be necessary of the Polish currencies held by the United States shall be available for construction of a new facility at the American Children's Hospital in Krakow, Poland, which would be known as the Clement J. Zablocki Outpatient Facility. Such currencies may be utilized without regard to the requirements of section 1306 of title 31, the United States Code, or any other provision of law.

(b) There are authorized to be appropriated to the President $10,000,000 of which—

(1) $3,000,000 shall be for equipping and furnishing the Clement J. Zablocki Outpatient Facility at the American Children's Hospital in Krakow, Poland;

(2) $3,000,000 shall be for improving medical equipment at the American Children's Hospital in Krakow, Poland; and

(3) $4,000,000 shall be for providing medical supplies to Poland through private and voluntary agencies, including the expenses of purchasing, transporting, and distributing such supplies.

Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

Approved April 17, 1984.

LEGISLATIVE HISTORY—H.R. 4835:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 6, considered and passed House.
Apr. 5, considered and passed Senate.

GENERAL GOVERNMENT ACTS

Public Law 98-216
98th Congress

An Act

To codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code.

Feb. 14, 1984
[H.R. 2727]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Money and finance and transportation. United States Code, amendments.

AMENDMENTS TO TITLE 31

SECTION 1. Title 31, United States Code, is amended as follows:

96 Stat. 2478.

(1) The first sentence of section 755 is amended to read as follows:

"A final decision under section 753(a) (1)–(3), (6), or (7) of this title may be reviewed by the United States Court of Appeals for the District of Columbia Circuit or by the court of appeals of the United States for the circuit in which the petitioner resides.".

96 Stat. 933.

(2) Section 1535 is amended by—

(A) inserting in subsection (a)(3) "or get by contract" after "provide";

(B) inserting in subsection (a)(4) "by contract" after "provided";

(C) striking out subsection (b);

(D) redesignating subsection (c) as subsection (b); and

(E) inserting after subsection (b) (as redesignated) the following:

"(c) A condition or limitation applicable to amounts for procurement of an agency or unit placing an order or making a contract under this section applies to the placing of the order or the making of the contract.".

96 Stat. 950.

(3) Section 3322 is amended by—

(A) redesignating subsection (b) as subsection (c); and

(B) striking out subsection (a) and substituting the following:

Disbursing official.

"(a) The Secretary of the Treasury shall transfer public money to a disbursing official only by draft or warrant written on the Treasury. Except as provided in subsection (b) of this section, a disbursing official shall—

"(1) deposit public money as required by section 3302 of this title; and

"(2) draw public money from the Treasury or a depositary only—

"(A) as necessary to make payments; and

"(B) payable to persons to whom payment is to be made.

"(b) In a place without a depositary, the Secretary, on deciding it is essential to the public interest, may authorize specially in writing that public money be—

"(1) deposited in any other public depositary; or

"(2) kept in another manner under regulations the Secretary decides are the safest and most effective in making a payment to a public creditor easier.".

96 Stat. 966.
31 USC 3528.
98 STAT. 4

(4) Section 3528(b) is amended by—

(A) inserting "(1)" after "(b)";

(B) striking out "(1)" before "the certification" and substituting "(A)";

(C) striking out "(2)(A)" and substituting "(B)(i)";

(D) striking out "(B)" before "no law" and substituting "(ii)";

(E) striking out "(C)" and substituting "(iii)"; and

(F) adding at the end the following:

"(2) The Comptroller General may deny relief when the Comptroller General decides the head of the agency did not carry out diligently collection action under procedures prescribed by the Comptroller General.".

96 Stat. 971.

(5) In section 3711(c)(2), strike out "(49 U.S.C. 26(h))" and substitute "(49 App. U.S.C. 26(h))".

96 Stat. 2475.

(6) Section 3902(b) is amended—

(A) in clause (1), by striking out "3903(2)(A)" and substituting "3903(2)"; and

(B) in clause (2), by striking out "3903(2)(B)" and substituting "3903(3)".

96 Stat. 988.

(7) Section 5132(a)(1) is amended by striking out the last sentence.

96 Stat. 1024.

(8) Section 6716(c)(1) is amended by striking out "Subsection" and substituting "Subsections".

AMENDMENTS TO TITLE 49

SEC. 2. Title 49, United States Code, is amended as follows:

96 Stat. 2422.

(1)(A) Section 308 is amended—

(i) in the catchline, by striking out "**Annual reports**" and substituting "**Reports**";

(ii) in subsection (a), by striking out the last sentence; and

(iii) by adding at the end the following:

Reports to Congress.
Railroad industry.

"(d) By the 90th day after the end of each fiscal year, the Secretary shall submit to Congress a report listing the specific assistance provided by the United States Government to the railroad industry during that fiscal year. The report shall include—

"(1) the reasons for each Government loan or grant and explain the way in which the loan or grant contributed to the overall goal of providing a safe and efficient transportation system;

"(2) information on the financial condition of each railroad having a loan guaranteed under the Emergency Rail Services Act of 1970 (45 U.S.C. 661 et seq.) throughout the duration of the loan; and

"(3) information on the past and anticipated financial condition and operations during the fiscal year of the Railroad Rehabilitation and Improvement Fund established under section 502(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(a)) and of the Obligation Guarantee Fund established under section 511(b) of that Act (45 U.S.C. 831(b)).

Public mass transportation system.

"(e)(1) The Secretary shall submit a report to Congress in January of each even-numbered year of estimates by the Secretary on the current performance and condition of public mass transportation systems with recommendations for necessary administrative or legislative changes.

98 STAT. 5

Assessment.

"(2) In reporting to Congress under this subsection, the Secretary shall prepare a complete assessment of public transportation facilities in the United States. The Secretary also shall assess future needs for those facilities and estimate future capital requirements and operation and maintenance requirements for one-year, 5-year, and 10-year periods at specified levels of service.".

(B) Item 308 in the analysis of chapter 3 is amended to read as follows:

"308. **Reports**.".

(2) In sections 103(c)(1), 106 (g)(1) and (h), 302(b), 321, 329 (b)(1) and (d), 334, and 501(b)(2), strike out "49 U.S.C." wherever it appears and substitute "49 App. U.S.C.".

96 Stat. 2415, 2416, 2419, 2422, 2426, 2430, 2431.

(3) In section 306(b), strike out "332" and "49 U.S.C." and substitute "332 or 333" and "49 App. U.S.C.", respectively.

96 Stat. 2421.

(4) In sections 10904 (d)(2) and (e)(3) and 11344(d), strike out "section 5(a)–(d) of the Department of Transportation Act (49 U.S.C. 1654(a)–(d))" and substitute "section 333(a)–(d) of this title".

49 USC 10904, 11344.

(5) In section 10362(a)(1), strike out "section 744 of title 45" and substitute "section 304 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744)".

(6) In section 10362(b)(5)(A), strike out "section 562(a) of title 45" and substitute "section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a))".

(7) In section 10362(b)(5)(B), strike out "section 1613 of this title" and substitute "section 17 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1613)".

(8) In section 10526(a)(5), strike out "section 1141j(a) of title 12" and substitute "section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a))".

(9) In section 10542(a)(2), strike out "chapter 23A of title 46" and substitute "the Intercoastal Shipping Act, 1933 (46 U.S.C. 843 et seq.)".

(10) In section 10542(c)(2), strike out "section 391a of title 46" and substitute "section 4417a of the Revised Statutes (46 U.S.C. 391a)".

(11) In sections 10544(d)(1)(B) and 10703(a)(4)(D)(ii), strike out "(46 U.S.C. 843–848)" and substitute "(46 U.S.C. 843 et seq.)".

96 Stat. 2443.

(12) In section 10706(c), strike out "section 12 of title 15" and substitute "the first section of the Clayton Act (15 U.S.C. 12)".

(13) In section 10749(b)(2), strike out "chapter 20 of this title" and substitute "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)".

(14) In section 10903(b)(2), strike out "section 565(b) of title 45" and substitute "section 405(b) of the Rail Passenger Service Act (45 U.S.C. 565(b))".

(15) In section 11125(b)(2)(A), strike out "section 421 of title 45" and substitute "the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)".

(16) In section 11347, strike out "section 565 of title 45" and substitute "section 405 of the Rail Passenger Service Act (45 U.S.C. 565)".

(17) Section 11361(b) is amended by striking out "subchapter IV" and substituting "subchapter IV of chapter 11".

96 Stat. 2443.

(18) In section 11367(a), strike out "Section 78n(a) of title 15" and substitute "Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a))".

(19) In section 11367(b), strike out—

98 STAT. 6

(A) "section 77c(a)(6) of title 15" the first time it appears and substitute "section 3(a)(6) of the Securities Act of 1933 (15 U.S.C. 77c(a)(6))";

(B) "section 77c(a)(6) of title 15" the second time it appears and substitute "section 3(a)(6)";

(C) "Section 77e of that title" and substitute "Section 5 of that Act (15 U.S.C. 77e)"; and

(D) "subchapter I of chapter 2A of title 15" and substitute "that Act (15 U.S.C. 77a et seq.)".

(20) In sections 11909(b) and 11914(b), strike out "prior to enactment of the Department of Transportation Act" and substitute "before October 15, 1966".

96 Stat. 2168. 49 USC 11909, 11914.

CONFORMING AMENDMENTS TO OTHER TITLES

SEC. 3. (a) Title 5, United States Code, is amended as follows:

(1) In section 5313, strike out "Director of the Bureau of the Budget" and substitute "Director of the Office of Management and Budget".

(2) In section 5314, strike out "Deputy Director of the Bureau of the Budget" and substitute "Deputy Director of the Office of Management and Budget".

(3) In section 5315, strike out "Assistant Directors of the Bureau of the Budget (3)" and substitute "Assistant Directors of the Office of Management and Budget (3)".

(4) In section 5514(c), strike out "section 581d" and substitute "section 3530(d)".

(5) In section 8348(d), strike out "the Second Liberty Bond Act as amended," and substitute "chapter 31 of title 31".

(b) Title 18, United States Code, is amended as follows:

(1) In section 490, strike out "minor coins coined" and substitute "one-cent and 5-cent coins minted".

(2) In section 4124, strike out "Director of the Bureau of the Budget" and substitute "President".

(c) The Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) is amended as follows:

26 USC 7448.

(1) In section 7448(p), strike out "Bureau of the Budget" and substitute "President".

(2) In section 7701(a)(33)(G), strike out "part I of the Interstate Commerce Act" and substitute "subchapter I of chapter 105 of title 49".

(d) Chapter 11 of title 44, United States Code, is amended as follows:

(1) Amend item 1108 in the analysis of chapter 11 to read as follows:

"1108. Presidential approval required for printing of periodicals; number printed; sale to public.".

44 USC 1108.

(2) In the catchline of section 1108, strike out "**Bureau of Budget**" and substitute "**Presidential**".

(3) In the text of section 1108, strike out "Director of the Bureau of the Budget" and substitute "President".

TECHNICAL PROVISIONS

31 USC 3121 note.

SEC. 4. (a)(1) Except as provided in paragraph (2) of this subsection, the amendment made by section 1(9) of the Act of January 12, 1983 (Public Law 97-452, 96 Stat. 2468), applies to an obligation issued under section 3102(a) of title 31, United States Code, after September 3, 1982.

31 USC 3121.
96 Stat. 938.

98 STAT. 7

31 USC 3121.

(2) The amendment made by section 1(9) of the Act of January 12, 1983 (Public Law 97-452, 96 Stat. 2468), applies to an obligation issued after June 30, 1983, if—

(A) interest on the obligation is exempt from tax (decided without regard to the amendments made by section 310 of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248, 96 Stat. 595)) under law (without regard to the identity of the holder); and

(B) the obligation was not required to be in registered form under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) as in effect on September 2, 1982.

31 USC 3121 note.
96 Stat. 939.

(b) The amendment made by section 1(9) of the Act of January 12, 1983 (Public Law 97-452, 96 Stat. 2468), applies to an obligation issued under section 3103(a) of title 31, United States Code, after December 31, 1982.

Effective date.
18 USC 490 note.

(c) The amendments made by sections 1 (3), (4), and (7) and 3(b)(1) of this Act are effective as of September 13, 1982.

LEGISLATIVE PURPOSE AND CONSTRUCTION

31 USC note prec. 101.
49 USC note prec. 101.

SEC. 5. (a) Sections 1-4 of this Act restate, without substantive change, laws enacted before April 1, 1983, that were replaced by those sections. Sections 1-4 may not be construed as making a substantive change in the laws replaced. Laws enacted after March

31, 1983, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) A reference to a law replaced by sections 1–4 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by sections 1–4 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by sections 1–4 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

REPEALS

SEC. 6. (a) The repeal of a law enacted by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

31 USC note prec. 101.
49 USC note prec. 101.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

98 STAT. 8

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1920				
May 21	194	7(a)	94	613
1980				
Oct. 14	96–448	409	94	1948
1982				
July 12	97–214	10(b)(5)	96	176
Sept. 3	97–248	310(d)(2)	96	600
		310(d)(4)		
Oct. 15	97–332		96	1622
Dec. 21	97–375	111(b)	96	1821
		210(a)	96	1825
1983				
Jan. 6	97–424	310	96	2151
Jan. 12	97–448	306(b)(2)	96	2405

31 USC 1535 note.
49 USC app. 1654a.
26 USC 103 note.
31 USC 1535 note.
45 USC 792.
49 USC app. 1654a.
49 USC app. 1601c.
26 USC 103 note.

Approved February 14, 1984.

LEGISLATIVE HISTORY—H.R. 2727:

CONGRESSIONAL RECORD:
Vol. 129 (1983): Aug. 1, considered and passed House.
Vol. 130 (1984): Jan. 31, considered and passed Senate.

98 STAT. 66

Public Law 98-236
98th Congress

An Act

Mar. 20, 1984
[H.R. 2173]

To amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such Act.

Contract Services for Drug Dependent Federal Offenders Authorization Act of 1983.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Services for Drug Dependent Federal Offenders Authorization Act of 1983".

Sec. 2. Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 (18 U.S.C. 4255 note) is amended—

(1) by striking out "1981; and" and inserting in lieu thereof "1981;", and

(2) by inserting before the period at the end thereof the following: "; $5,000,000 for the fiscal year ending September 30, 1984; $5,500,000 for the fiscal year ending September 30, 1985; and $6,000,000 for the fiscal year ending September 30, 1986.".

Approved March 20, 1984.

LEGISLATIVE HISTORY—H.R. 2173:

HOUSE REPORT No. 98-87 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 129 (1983): May 9, considered and passed House.
Vol. 130 (1984): Mar. 8, considered and passed Senate.

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98 STAT. 149

Public Law 98-265
98th Congress

An Act

Apr. 17, 1984
[S. 1852]

To extend the expiration date of the Defense Production Act of 1950.

Defense Production Act Amendments of 1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

50 USC app. 2061 note.

Section 1. This Act may be cited as the "Defense Production Act Amendments of 1984".

EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950

97 Stat. 1267.

Sec. 2. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "March 30, 1984" and inserting in lieu thereof "September 30, 1986".

DETERMINATIONS REQUIRED BEFORE THE AWARDING OF FINANCIAL ASSISTANCE

Sec. 3. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) Except during periods of national emergency declared by the Congress or the President, a guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, which is essential to the national defense;

"(B) Without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need involved; and

"(D) the United States national defense demand is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the guarantee.".

(b) Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) by redesignating the first sentence as subsection (a); and

(2) by striking out the second and third sentences and inserting in lieu thereof the following: Loans.

"(b) Such loans may be made without regard to the limitations of existing law and on such terms and conditions as the President deems necessary, except that—

"(1) financial assistance may be extended only to the extent that it is not otherwise available on reasonable terms; and 98 STAT. 150

"(2) except during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the United States national defense demand is equal to, or greater than, domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the loan.".

(c) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the Congress or the President, the President may not execute a contract under this subsection unless the President determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(4) the United States national defense demand for the mineral, metal, or material is equal to, or greater than, the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.".

LIMITATIONS ON THE AWARDING OF FINANCIAL ASSISTANCE

Sec. 4. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"(e)(1)(A) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the Budget of the

United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section.

"(B) Any such guarantee may be made only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to subparagraph (A).

"(C) If the making of any guarantee or guarantees to correct an industrial resource shortfall would cause the aggregate outstanding amount of all guarantees for such industrial resource shortfall to exceed $25,000,000, any such guarantee or guarantees may be made only if specifically authorized by law.".

Loans.

(b) Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092), as amended by section 3(b), is further amended by adding at the end thereof the following:

"(c)(1) No such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the Budget of the United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (b)(2) of this section.

"(2) Any such loan may be made only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to paragraph (1).

"(3) If the making of any loan or loans to correct an industrial resource shortfall would cause the aggregate outstanding amount of all loans for such industrial resource shortfall to exceed $25,000,000, any such loan or loans may be made only if specifically authorized by law.".

Presidential action.

(c) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)), as amended by section 3(c), is further amended by adding at the end thereof the following: "Except during periods of national emergency declared by the Congress or the President, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under authority of this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $25,000,000, any such action or actions may be taken only if specifically authorized by law.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. (a) The first sentence of section 711(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(a)) is amended by inserting "and paragraph (4)" after "paragraph (2)".

(b) Section 711(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(a)) is amended by adding at the end thereof the following:

50 USC app. 2093.

"(4)(A) There are authorized to be appropriated to carry out the provisions of section 303 not to exceed $100,000,000 for fiscal years 1985 and 1986, except that not more than $25,000,000 is authorized to be appropriated for fiscal year 1985.

50 USC app. 2091–2093.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal years 1985 and 1986 may not exceed $100,000,000.".

REPORTS

SEC. 6. Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended by adding at the end thereof the following:

50 USC app. 2099.
Ante, p. 149.

"SEC. 309. Not later than 18 months after the date of the enactment of the Defense Production Act Amendments of 1984, and annually thereafter, the President shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States. Each such report also shall include a discussion of bilateral and multilateral negotiations on offsets in international procurement and provide information on the types, terms, and magnitude of the offsets.".

Approved April 17, 1984.

LEGISLATIVE HISTORY—S. 1852:

HOUSE REPORT No. 98-651 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Sept. 30, considered and passed Senate.
Oct. 4, 6, considered and passed House, amended.
Oct. 7, Senate concurred in House amendment with an amendment.
Vol. 130 (1984): Apr. 5, Senate agreed to conference report.
Apr. 10, House agreed to conference report.

Public Law 98-276
98th Congress

98 STAT. 169

An Act

To provide for a White House Conference on Small Business.

May 8, 1984
[H.R. 5298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Small Business Authorization Act".

White House Conference on Small Business Authorization Act.
15 USC 631 note.

AUTHORIZATION OF CONFERENCE

15 USC 631 note.

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "Conference") not earlier than January 1, 1985, and not later than September 1, 1986, to carry out the purposes described in section 3 of this Act. The Conference shall be preceded by State and regional conferences with at least one such conference being held in each State.

State and local governments.

(b) Participants in the Conference and other interested individuals and organizations, are authorized to conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the Administrator of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 3 of this Act in order to prepare for the National Conference.

PURPOSE OF CONFERENCE

Minorities.
Women.
15 USC 631 note.

SEC. 3. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1980 White House Conference on Small Business.

CONFERENCE PARTICIPANTS

15 USC 631 note.

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the Conference shall bring together individuals concerned with issues relating to small business: *Provided,* That no small business concern representative may be denied admission to any State or regional conference, nor may any fee or charge be imposed on any small business concern representative except an amount to cover the cost of any meal provided to such representative plus a registration fee of not to exceed $10.

98 STAT. 170

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State and regional conferences: *Provided,* That each Governor and each chief executive official of the political subdivisions enumerated in section 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further,* That each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate: *And provided further,* That the President may appoint one hundred delegates and alternates. Only individuals from small businesses shall be eligible for appointment pursuant to this subsection.

15 USC 633.

PLANNING AND ADMINISTRATION OF CONFERENCE

15 USC 631 note.

SEC. 5. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this Act, the Administrator of the Small Business Administration—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2(b) of this Act; and

(2) is authorized to enter into contracts with public agencies, private organizations, and academic institutions to carry out the provisions of this Act.

(c) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the Conference, as well as by participants in State and regional conferences.

(d) Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed either from funds appropriated pursuant to this Act or the Small Business Act.

15 USC 631 note.

(e)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

REPORTS REQUIRED

SEC. 6. Not more than six months from the date on which the National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

15 USC 631 note.

Public availability.

FOLLOWUP ACTIONS

SEC. 7. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

Report.
15 USC 631 note.

AVAILABILITY OF FUNDS

SEC. 8. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and they shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

15 USC 631 note.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference, including submission of the report pursuant to section 6, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

SEC. 9. This Act shall become effective October 1, 1984.

Effective date.
15 USC 631 note.

Approved May 8, 1984.

LEGISLATIVE HISTORY—H.R. 5298 (S. 2487):

HOUSE REPORT No. 98-652 (Comm. on Small Business).
SENATE REPORT No. 98-380 accompanying S. 2487 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 9, considered and passed House.
  Apr. 11, considered and passed Senate.

Public Law 98-355
98th Congress

98 STAT. 394

An Act

To increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

July 11, 1984
[H.R. 5950]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Increased Payments for Presidential Nominating Conventions.

(a) IN GENERAL.—Paragraph (1) of section 9008(b) of the Internal Revenue Code of 1954 (relating to major parties) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

26 USC 9008.

(b) TECHNICAL AMENDMENTS.—Paragraph (5) of section 9008(b) of such Code (relating to adjustment of entitlements) is amended—

(1) by striking out "section 320(b) and section 320(d)" and inserting in lieu thereof "section 315(b) and section 315(d)"; and

(2) by striking out "section 320(c)" and inserting in lieu thereof "section 315(c)".

26 USC 9008 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1984.

Approved July 11, 1984.

LEGISLATIVE HISTORY—H.R. 5950:

HOUSE REPORT No. 98-877, Pt. 1 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 28, considered and passed House.
June 29, considered and passed Senate.

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98 STAT. 1257

Public Law 98-375
98th Congress

An Act

Aug. 7, 1984
[H.R. 1492]

To establish the Christopher Columbus Quincentenary Jubilee Commission.

Christopher Columbus Quincentenary Jubilee Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Christopher Columbus Quincentenary Jubilee Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) October 12, 1992, marks the five hundredth anniversary of the voyages of discovery of Christopher Columbus;

(2) the governments and people of Spain and Italy should be recognized and commended for their historic role and contribution to those voyages;

(3) all persons in this country should look with pride on the achievements and contributions of their ancestors with respect to those historic voyages; and

(4) as the Nation approaches the quincentennial of the voyages of discovery of Christopher Columbus, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned, encouraged, coordinated, and conducted by a national commission representative of appropriate individuals and public and private authorities and organizations.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission (hereinafter in this Act referred to as the "Commission") to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus.

(b) The Commission shall be composed of thirty members as follows:

(1) seven members appointed by the President upon the recommendation of the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) seven members appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) ten members appointed by the President, which members shall be broadly representative of the people of the United States, and not otherwise officers or employees of the United States;

(4) the Secretary of State;

(5) the Archivist of the United States;

(6) the Librarian of Congress;

(7) the Chairman of the National Endowment for the Arts;

(8) the Chairman of the National Endowment for the Humanities; and

98 STAT. 1258

(9) the Secretary of Commerce.

(c) The President is hereby authorized and requested to invite the governments of Spain and Italy each to appoint, within ninety days after the date of the enactment of this Act, one individual to serve as a nonvoting participant in the activities of the Commission.

(d) The Secretary of State shall call the first meeting for the purpose of electing a Chairman and Vice Chairman, both of whom shall be from among the members of the Commission appointed under subsection (b)(3). The Commission may appoint honorary members, and may establish an Advisory Council to assist the Commission in its work.

(e) Appointments under subsection (b) shall be made within ninety days after the date of the enactment of this Act. Vacancies shall be filled in the same manner in which the original appointments were made.

DUTIES

Spain.

SEC. 4. (a) It shall be the duty of the Commission to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating the historic events associated with those voyages. In carrying out this subsection, the Commission shall particularly examine the historic role of the government and people of Spain in order to promote a greater public awareness, understanding, and appreciation of the contributions made by Spain with respect to those voyages.

Report.

(b) Within two years after the date of the first meeting called pursuant to section 3(d) of this Act, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus. The report required by this subsection shall include—

(1) recommendations for appropriate activities for the commemoration, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the lands Christopher Columbus traveled from and to during the voyages of discovery;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of libraries, museums, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events;

(F) programs focusing on the international significance of the voyages of discovery of Christopher Columbus; and

(G) the design, inscriptions, and other specifications relating to the issuance of commemorative coins, medals, and stamps, by the United States;

98 STAT. 1259

(2) recommendations for the allocation of financial and administrative responsibility among the public agencies and private organizations recommended for participation by the Commission; and

(3) recommendations for such legislation and administrative actions as the Commission deems necessary to carry out the commemoration of the voyages of discovery.

President of U.S.

The President shall transmit the Commission's report to the Congress together with such comments and additional recommendations for legislation and administrative actions as the President deems appropriate.

Report.

(c) The Commission shall prepare and submit to the Congress an annual report on the activities of the Commission, including an accounting of funds received and expended.

1992 World's Fair.

(d) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by State and local, and foreign governments, and private groups, including the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain. The Commission shall endeavor to plan and conduct its activities in such manner as to ensure that activities conducted pursuant to this Act do not duplicate activities of the 1992 World's Fair, which the Commission recognizes to be a major highlight of the quincentenary celebration.

(e) The Commission may designate special committees and invite representatives from such public agencies and private organizations to assist the Commission in carrying out this section as the Commission deems appropriate.

ADDITIONAL FUNCTIONS

SEC. 5. In carrying out the purposes of this Act, the Commission is authorized to provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public awareness of, and interest in, the quincentennial, except that any commemorative coins, medals, or stamps issued by the United States shall be sold only by an agency of the United States;

(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the quincentennial; and

(3) a quincentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of quincentennial historical and commemorative significance.

COORDINATION OF EFFORTS

SEC. 6. (a) In carrying out the purposes of this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, State and local public bodies, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies are authorized and requested to cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

98 STAT. 1260

Study.

(b) The Secretary of State shall undertake a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to the voyages of discovery of Christopher Columbus, at such time and in such manner as will ensure that fitting observances and exhibits may be held at each such site during the commemoration. (In particular, the Secretary may consult with the governments of the nations of the Western Hemisphere which share the Columbian heritage and with the governments of Spain and Italy with respect to joint participation in events in the United States and in such nations.) The Secretary shall submit the results of the study to the Commission, together with his recommendations, affording the Commission an opportunity to review the study, and to incorporate such of its findings and recommendations as the Commission may deem appropriate in the report required by section 4 of this Act.

(c) The Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the period surrounding the voyages of discovery.

(d) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections, and in the development and distribution of bibliographies, catalogs, and other materials relevant to the period.

1992 World's Fair.

(e) Nothing in this Act shall be construed to restrict, abridge, or otherwise limit the planning, development, conduct, operations, or activities of the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain, nor shall any provision of this Act be construed to vest in the Commission any right or responsibility to regulate or otherwise oversee the planning, development, conduct, operations, or activities of such Fair.

DONATIONS

SEC. 7. (a) The Commission may accept donations of money, property, or personal services, except that the Commission may not accept donations—

(1) the aggregate value of which exceeds $25,000, in the case of donations from an individual; or

(2) the aggregate of which exceeds $50,000, in the case of donations from a foreign government, a corporation, a partnership, or any other person.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the period and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, or the Administrator of General Services, as the case may be.

98 STAT. 1261

ADMINISTRATION

SEC. 8. (a)(1) The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Director who may be compensated at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule established under section 5315 of such title and a Deputy Director who may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule established under section 5316 of such title. Such officers shall serve at the pleasure of the Chairman.

(2) The Commission shall delegate such powers and duties to the Director as may be necessary for the efficient operation and management of the Commission.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission may—

(1) appoint and fix the compensation of such additional personnel, not to exceed twenty staff members, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title; 5 USC 5101 *et seq.*, 5331.

(2) appoint such advisory committees as it deems necessary;

Contracts with U.S.

(3) procure supplies, services, and property; make contracts; expend in furtherance of this Act funds appropriated, donated, or received in pursuance of contracts hereunder;

Contracts with U.S.

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration; and

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(c)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

COMPENSATION

Sec. 9. (a) Members of the Commission appointed under section 3(b) of this Act shall serve without compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

98 STAT. 1262

(b) Persons appointed, designated, or invited to assist the Commission under section 3(c), the second sentence of section 3(d), section 4(e), or section 8(b)(2) of this Act shall serve without compensation, and shall not be entitled to reimbursement for travel, subsistence, or other expenses incurred by them in the performance of their duties.

PENALTY

Logos, symbols, or marks. Regulations.

Sec. 10. (a) The Commission shall prescribe rules and regulations regarding the use of any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the quincentennial, or any facsimile thereof. Under the rules and regulations, the Commission may not sell, lease, or otherwise grant to any person the right to use any such logo, symbol, or mark in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

Federal Register, publication.

(b) Any person who, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any such logos, symbols, or marks, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $10,000, or imprisoned not more than one year, or both. This section shall only apply in the case of such logos, symbols, and marks for which the Commission has published in the Federal Register a notification of certification.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act, $220,000 per fiscal year for each of the fiscal years beginning after September 30, 1983, and ending before October 1, 1992; and $20,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

(c) The total appropriations authorized under this or any other Act for the purposes of this Act shall not exceed $2,000,000.

TERMINATION

Report.

Sec. 12. (a) A final report shall be made to the Congress no later than November 15, 1992, upon which date the Commission shall terminate.

98 STAT. 1263

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

Approved August 7, 1984.

LEGISLATIVE HISTORY—H.R. 1492 (S. 500):

HOUSE REPORTS: No. 98-150 (Comm. on Post Office and Civil Service) and No. 98-876 (Comm. of Conference).
SENATE REPORT No. 98-194 accompanying S. 500 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
  Vol. 129 (1983): June 21, considered and passed House.
  Vol. 130 (1984): Feb. 1, considered and passed Senate, amended, in lieu of S. 500.
    June 27, Senate agreed to conference report.
    July 25, House agreed to conference report.

Public Law 98-399
98th Congress

98 STAT. 1473

An Act

Aug. 27, 1984
[H.R. 5890]

To establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

97 Stat. 917.
5 USC 6103.

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98-144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

Martin Luther King, Jr. Federal Holiday Commission, establishment.

SEC. 2. There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the "Commission").

SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

SEC. 4. (a) The Commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr. Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization; and

(6) fourteen individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraphs (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers.

98 STAT. 1474

(b) Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) shall be of the same political party.

(c) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Members of the Commission shall serve without pay, but may, subject to section 7, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

Sec. 5. (a) The Commission shall first meet within 30 days after the date of the enactment of this Act. At this first meeting the Commission shall elect a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) The Commission may encourage the participation of, and accept, use, and dispose of donations of money, property, and personal services from, individuals and public and private organizations to assist the Commission in carrying out its responsibilities under this Act.

5 USC app.

(c) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

Sec. 6. (a) The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Subject to section 7, the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, and no staff member may be paid at a rate in excess of the maximum rate of pay payable for grade GS-13 of such General Schedule.

(b)(1) Upon the request of the Commission, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its responsibilities under this Act.

(2) Each head of such department or agency is authorized to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

Sec. 7. All expenditures of the Commission shall be made from donated funds.

Report.

98 STAT. 1475

SEC. 8. Not later than April 20, 1986, the Commission shall submit a report to the President and the Congress concerning its activities under this Act.

Termination.

SEC. 9. The Commission shall cease to exist after submitting its report under section 8.

Approved Aug. 27, 1984.

LEGISLATIVE HISTORY—H.R. 5890:

HOUSE REPORT No. 98-893 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 130 (1984):
 July 24, considered and passed House.
 Aug. 1, considered and passed Senate, amended.
 Aug. 8, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 35 (1984):
 Aug. 27, Presidential statement.

Public Law 98-420
98th Congress

An Act

Granting the consent of Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania.

Sept. 25, 1984
[H.R. 5177]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania and consented to by Congress by the Act of December 8, 1967 (81 Stat. 553), which amendment adds at the end of article VI of such compact the following:

81 Stat. 555.

Real property.
Personal property.

"(i) The commission, subject to the conditions herein, may sell, exchange or lease property, real or personal, or any interest therein.

"When the property, or any interest or right therein, is being held for future use, it may be leased. When the real property. or any part thereof, or any interest or right therein, is deemed by the commission not necessary, or desirable for present or presently foreseeable future use, it may be exchanged for other property, or any interest or right therein, deemed by the commission to be necessary or desirable for present or presently foreseeable future use, or may be sold. In addition the commission may exchange real property, or any part thereof, or any interest or right therein, even though it may be desirable or necessary for present or presently foreseeable future use, if the exchange is made for other real property, or any interest or right therein, in close proximity thereto which the commission deems of equal or superior value for presently foreseeable future use. In making exchanges the commission may make allowances for differences in values of the properties being exchanged and may move or pay the cost of moving buildings, structures, or appurtenances in connection with the exchange.

Public auction.

"Every such sale of real property, or any interest or right therein or structure thereon, shall be at public auction in the county in which the real property, or the greater part thereof in value, is located, and the commission shall advertise, by publication or otherwise, the time, place and terms of such sale at least twenty days prior thereto. The property shall be sold in the manner which will bring the highest and best price therefor. The commission may reject any and all bids received at the sale. The commission shall keep a record, open to public inspection, indicating the manner in

Public availability.

which such real property or any interest or right therein or structure thereon, was publicly advertised for sale, the highest bid received therefor and from whom the person to whom sold, and payment received therefor. Such record shall be kept for a period of five years and may thereafter be destroyed.

"The commission may insert in a deed or conveyance, whether it involves an exchange, lease or sale, such conditions as are in the public interest.

98 STAT. 1612

Funds.

"All moneys received from the exchange, sale or lease of real or personal property, or any right or interest therein, shall be paid into the commission's treasury and used for the purpose for which the commission was created.

"If the commission has heretofore sold and conveyed away or leased any such property, such transaction and the documents of lease or transfer therefor are hereby approved and confirmed and shall be as effective as if the authority to lease or convey the said property had been given in this statute as originally enacted.".

Approved September 25, 1984.

LEGISLATIVE HISTORY—H.R. 5177:

HOUSE REPORT No. 98-821 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 18, considered and passed House.
Sept. 10, considered and passed Senate.

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98 STAT. 2280

Public Law 98-497
98th Congress

An Act

Oct. 19, 1984
[S. 905]

To establish the National Archives and Records Administration, and for other purposes.

National Archives and Records Administration Act of 1984.
44 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Archives and Records Administration Act of 1984".

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

44 USC 2107-2118.

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

44 USC 2103.

"§ 2103. Officers

President of U.S.

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

5 USC 5314.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

44 USC 2104.

"§ 2104. Administrative provisions

Regulations.

"(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate any of the functions of the Archivist to such officers and employees of the Administration as the Archivist may designate, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

"(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

"(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

"(f) The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

5 USC 5703.

"(g) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(h) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

44 USC 2105.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

5 USC 2101.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

10 USC 973. "(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

Voluntarism. "(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

98 STAT. 2282

44 USC 2106.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund. Such report shall describe—

"(1) program administration and expenditures of funds, both appropriated and nonappropriated, by the Administration, the Commission, and the Trust Fund Board;

"(2) research projects and publications undertaken by Commission grantees, and by Trust Fund grantees, including detailed information concerning the receipt and use of all appropriated and nonappropriated funds;

"(3) by account, the moneys, securities, and other personal property received and held by the National Archives Trust Fund Board, and of its operations, including a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure to other Federal agencies; and

Post, p. 2288. "(4) the matters specified in section 2904(c)(8) of this title.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103–2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

Ante, p. 2280. "(3) 'Archivist' means the Archivist of the United States appointed under section 2103 of this title; and

Ante, p. 2280. "(4) 'Administration' means the National Archives and Records Administration established under section 2102 of this title.".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.

"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal; fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

98 STAT. 2283

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration.. 2101".

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

44 USC 2102 note.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order Nunbered 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

3 USC 301 note.

44 USC 2105 note.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

44 USC 2108 note.

44 USC 2108 note.

(c) In the exercise of the functions transferred by this Act and the amendments made by this Act, the Archivist shall have the same authority as had the Administrator of General Services prior to the transfer of such functions, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

(d) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

Ante, p. 2280.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

44 USC 2102 note.

98 STAT. 2284

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

44 USC 2102 note.

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

Regulations.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in the official capacity of such officer shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act or the amendments made by this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

98 STAT. 2285

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General

Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

44 USC 2102 note.

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

Ante, p. 2280.

SEC. 107. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "or of the Congress" in paragraph (1) and inserting in lieu thereof ", the Congress, the Architect of the Capitol, or the Supreme Court";

(C) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(D) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

44 USC 2108.

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

44 USC 2109.

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

98 STAT. 2286

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "National Historical Publications".

44 USC 2110. *Ante*, p. 2280.

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

44 USC 2111.

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

44 USC 2112.

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

44 USC 2113, 2114, 2117.

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

44 USC 2115.

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

44 USC 2101, 2501, 2901, 3101, 3301.

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from any Federal agency on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

44 USC 2116.
Ante, p. 2280.

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist,"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

44 USC 2118.

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

44 USC 1501.

(2) Section 1501 of such title is amended—

(A) by striking out the period at the end of the last paragraph and inserting in lieu thereof a semicolon and "and"; and

98 STAT. 2287

(B) by adding at the end thereof the following new paragraph: "'National Archives of the United States' has the same meaning as in section 2901(11) of this title.".

44 USC 1502.

(3) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

44 USC 1503.

(4) Section 1503 of such title is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

44 USC 1506.

(5) Section 1506 of such title is amended by striking out the third sentence.

44 USC 1714.

(6) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

44 USC 2204, 2205.

(7) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

44 USC 2301.

(8) Section 2301 of such title is amended by striking out the second sentence thereof.

44 USC 2501.

(9) Section 2501 of such title is amended by striking out the last sentence thereof.

44 USC 2504.
97 Stat. 1323.

(10) Section 2504 of such title is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(C) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(D) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "transmit to the President and the Congress"; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(11) Section 2506 of such title is amended— 44 USC 2506.

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(12)(A) Section 2507 of such title is repealed. Repeal. 44 USC 2507.

(B) The table of sections for chapter 25 of such title is amended by striking out the item relating to section 2507.

(13) Section 2901 of such title is amended— 44 USC 2901.

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by striking out paragraphs (12) and (13) and inserting in lieu thereof the following:

"(12) the term 'Archivist' means the Archivist of the United States;

"(13) the term 'executive agency' shall have the meaning given such term by section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

"(14) the term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol); and

"(15) the term 'Administrator' means the Administrator of General Services.".

(14) Section 2902(7) of such title is amended by inserting "or the Archivist" after "Administrator". 44 USC 2902.

(15)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist". 44 USC 2903, 2907.

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist". 44 USC 2905, 2908, 2909.

(16) Section 2904 of such title is amended to read as follows: 44 USC 2904.

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

Studies.

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

Report.

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget in January of each year and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

44 USC 2906.

(17) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

Regulations.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

5 USC 552a.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(18)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

44 USC prec. 2901.

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

98 STAT. 2290

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services .... 2901".

(19) Section 3102 of such title is amended—

44 USC 3102.

(A) by inserting "and the Archivist" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101–2113" and inserting in lieu thereof "sections 2101–2117"; and

(C) by striking out "2701,".

(20) Section 3103 of such title is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

4 USC 3103.

(21) Sections 3104 and 3106 of such title are amended—

4 USC 3104, 3106.

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(22) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

44 USC 3105.

(23) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

44 USC 3302, 3303, 3308, 3311.

(24) Sections 3303a and 3310 of such title are amended—

44 USC 3303a, 3310.

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(25)(A) The heading of section 3303 of such title is amended to read as follows:

44 USC 3303.

"§ 3303. Lists and schedules of records to be submitted to the Archivist by head of each Government agency".

(B) The heading of section 3303a of such title is amended to read as follows:

44 USC 3303a.

"§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

44 USC 3311.

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist".

44 USC 3504. (26) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

44 USC 3513. (27) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended— 44 USC 2111 note.

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

44 USC 2111 note. (2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

44 USC 2111 note. (3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

44 USC 2111 note. (4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

Regulations. "(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of the first period of 60 calendar days of continuous session of the Congress after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

3 USC 6. (2)(A) The heading of section 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection".

3 USC 12. (B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

98 STAT. 2292

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

3 USC 1 *et seq.*

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;"; and

(2) by striking out "Administrator of General Services" each place it appears in subsection (l)(1) and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States.".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 108. For purposes of sections 103 through 106—

44 USC 2102 note.

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

Ante, p. 2280.

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

Ante, p. 2280.

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

Ante, p. 2280.

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

98 STAT. 2293

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

44 USC 2302.

"§ 2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(4) may, subject to the laws and regulations governing appointments in the civil service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

44 USC 2303.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

44 USC 2304.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

44 USC 2305.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, 98 STAT. 2294 securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out the item pertaining to section 2302 and inserting in lieu thereof the following:

"2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees.".

SECURITY OF RECORDS

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.".

PUBLIC NOTICE

Federal Register, publication.

SEC. 204. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

98 STAT. 2295

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

44 USC 2102 note.

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

44 USC 2102 note.
2 USC 651.

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 905 (H.R. 3987):

HOUSE REPORTS: No. 98-1124 (Comm. of Conference) and No. 98-707 accompanying H.R. 3987 (Comm. on Government Operations).
SENATE REPORT No. 98-373 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 21, considered and passed Senate.
Aug. 2, H.R. 3987 considered and passed House; S. 905 amended, passed in lieu.
Oct. 3, Senate agreed to conference report.
Oct. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct 19, Presidential statement.

Public Law 98-533
98th Congress

An Act

Oct. 19, 1984
[H.R. 6311]

To combat international terrorism.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1984 Act to Combat International Terrorism.

SHORT TITLE

18 USC 3071 note.

SECTION 1. This Act may be cited as the "1984 Act to Combat International Terrorism".

TITLE I—REWARDS FOR INFORMATION ON INTERNATIONAL TERRORISM

AUTHORITY OF THE ATTORNEY GENERAL

SEC. 101. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 203:

"CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS

"Sec.
"3071. Information for which rewards authorized.
"3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness.
"3073. Protection of identity.
"3074. Exception of governmental officials.
"3075. Authorization for appropriations.
"3076. Eligibility for witness security program.
"3077. Definitions.

18 USC 3071.

"§ 3071. Information for which rewards authorized

"With respect to acts of terrorism primarily within the territorial jurisdiction of the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for the commission of an act of terrorism against a United States person or United States property; or

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of terrorism against a United States person or property; or

"(3) leading to the prevention, frustration, or favorable resolution of an act of terrorism against a United States person or property.

98 STAT. 2707

18 USC 3072.

"§ 3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness

"The Attorney General shall determine whether an individual furnishing information described in section 3071 is entitled to a reward and the amount to be paid. A reward under this section may be in an amount not to exceed $500,000. A reward of $100,000 or more may not be made without the approval of the President or the Attorney General personally. A determination made by the Attorney General or the President under this chapter shall be final and conclusive, and no court shall have power or jurisdiction to review it.

"§ 3073. Protection of identity

18 USC 3073.

"Any reward granted under this chapter shall be certified for payment by the Attorney General. If it is determined that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as deemed necessary to effect such protection.

"§ 3074. Exception of governmental officials

18 USC 3074.

"No officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes the information described in section 3071 shall be eligible for any monetary reward under this chapter.

"§ 3075. Authorization for appropriations

18 USC 3075.

"There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for the purpose of this chapter.

"§ 3076. Eligibility for witness security program

18 USC 3076.

"Any individual (and the immediate family of such individual) who furnishes information which would justify a reward by the Attorney General under this chapter or by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program authorized under title V of the Organized Crime Control Act of 1970.

Post, p. 2708.

18 USC note prec. 3481.

"§ 3077. Definitions

18 USC 3077.

"As used in this chapter, the term—

"(1) 'act of terrorism' means an activity that—

"(A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and

"(B) appears to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnaping.

"(2) 'United States person' means—

"(A) a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(B) an alien lawfully admitted for permanent residence in the United States as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

"(C) any person within the United States;

"(D) any employee or contractor of the United States Government, regardless of nationality, who is the victim or intended victim of an act of terrorism by virtue of that employment;

"(E) a sole proprietorship, partnership, company, or association composed principally of nationals or permanent resident aliens of the United States; and

"(F) a corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States, and a foreign subsidiary of such corporation.

"(3) 'United States property' means any real or personal property which is within the United States or, if outside the United States, the actual or beneficial ownership of which rests in a United States person or any Federal or State governmental entity of the United States.

"(4) 'United States'—

"(A) when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States; and

"(B) when used in the context of section 3073 shall have the meaning given to it in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(5) 'State' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

"(6) 'government entity' includes the Government of the United States, any State or political subdivision thereof, any foreign country, and any state, provincial, municipal, or other political subdivision of a foreign country.

"(7) 'Attorney General' means the Attorney General of the United States or that official designated by the Attorney General to perform the Attorney General's responsibilities under this chapter.".

(b) The chapter analysis of part II of title 18, United States Code, is amended by adding after the item relating to chapter 203 the following new item:

"204. Rewards for information concerning terrorists acts.................................. 3071".

AUTHORITY OF THE SECRETARY OF STATE

22 USC 2651 note.

SEC. 102. The State Department Basic Authorities Act of 1956 is amended by redesignating existing section 36 as section 37 and by inserting the following new section 36 after section 35:

22 USC 2708.

"SEC. 36. (a) The Secretary of State may pay a reward to any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual for the commission of an act of international terrorism, or

98 STAT. 2709

"(2) leading to the arrest or conviction, in any country, of any individual for conspiring or attempting to commit an act of international terrorism, or

"(3) leading to the prevention, frustration, or favorable resolution of an act of international terrorism,

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.

"(b) A reward under this section may not exceed $500,000. A reward of $100,000 or more may not be made without the approval of the President or the Secretary of State personally.

"(c) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) Any reward granted under this section shall be certified for payment by the Secretary of State. If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he deems necessary to effect such protection.

"(e) An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (a) shall not be eligible for a reward under this section.

Appropriation authorization.

"(f) There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for use in paying rewards under this section. Additional funds to pay rewards under this section shall be authorized to be appropriated in the annual authorizing legislation for the Department of State.".

TITLE II—INTERNATIONAL COOPERATION

INCREASING INTERNATIONAL COOPERATION TO COMBAT TERRORISM

SEC. 201. (a) The President is urged to seek more effective international cooperation in combatting international terrorism, including—

(1) severe punishment for acts of terrorism which endanger the lives of diplomatic staff, military personnel, other government personnel, or private citizens; and

(2) extradition of all terrorists and their accomplices to the country where the terrorist incident occurred or whose citizens were victims of the incident.

(b) High priority should also be given to negotiations leading to the establishment of a permanent international working group which would combat international terrorism by—

(1) promoting international cooperation among countries;

(2) developing new methods, procedures, and standards to combat international terrorism;

(3) negotiating agreements for exchanges of information and intelligence and for technical assistance; and

(4) examining the use of diplomatic immunity and diplomatic facilities to further international terrorism.

This working group should have subgroups on appropriate matters, including law enforcement and crisis management.

TITLE III—SECURITY OF UNITED STATES MISSIONS ABROAD

ADVISORY PANEL ON SECURITY OF UNITED STATES MISSIONS ABROAD

SEC. 301. In light of continued terrorist incidents and given the ever increasing threat of international terrorism directed at United States missions and diplomatic personnel abroad, the Congress believes that it is imperative that the Department of State review its approach to providing security against international terrorism. Not later than February 1, 1985, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the findings and recommendations of the Advisory Panel on Security of United States Missions Abroad. Report.

SECURITY ENHANCEMENT AT UNITED STATES MISSIONS ABROAD

SEC. 302. (a) In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, without fiscal year limitation— Appropriation authorization.

(1) $350,963,000 for the Department of State for "Administration of Foreign Affairs", and

(2) $5,315,000 for the United States Information Agency,

which amounts shall be for security enhancement at United States missions abroad.

(b) Not later than February 1, 1985, the Secretary of State and the Director of the United States Information Agency shall each report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on how their respective agencies have allocated the funds authorized to be appropriated by this section. Reports.

STATE DEPARTMENT BASIC AUTHORITIES

SEC. 303. (a) Section 2 of the State Department Basic Authorities Act of 1956 is amended— 22 USC 2669.

(1) in paragraph (c)—

(A) by striking out "aliens" and inserting in lieu thereof "individuals or organizations", and

(B) by inserting immediately before the semicolon at the end of the paragraph ", and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government"; and

(2) by striking out "and" at the end of paragraph (e), by striking out the period at the end of paragraph (f) and inserting in lieu thereof a semicolon, and by adding at the end of the section the following new paragraphs:

"(g) obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the maximum rate payable for GS-18 under section 5332 of such title 5; and

Procurement.

"(h) directly procure goods and services in the United States or abroad, solely for use by United States Foreign Service posts abroad when the Secretary of State, in accordance with guidelines established in consultation with the Administrator of General Services, determines that use of the Federal Supply Service or otherwise applicable Federal goods and services acquisition authority would not meet emergency overseas security requirements determined necessary by the Secretary, taking into account overseas delivery, installation, maintenance, or replacement requirements, except that the authority granted by this paragraph shall cease to be effective when the amendment made by section 2711 of the Competition in Contracting Act of 1984 takes effect and thereafter procurement by the Secretary of State for the purposes described in this paragraph shall be in accordance with section 303(c)(2) of the Federal Property and Administrative Services Act of 1949.".

Ante, p. 1175.

41 USC 253.

22 USC 2678.

(b) Section 11 of such Act is amended to read as follows:

"SEC. 11. Notwithstanding section 1344(a) of title 31, United States Code, the Deputy Secretary of State is authorized to use Government-owned vehicles for security purposes for travel between his or her residence and places where official functions are performed.".

22 USC 2704.

(c) Section 32 of such Act is amended by adding at the end thereof the following new sentence: "The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.".

DANGER PAY

5 USC 5928 note.

SEC. 304. In recognition of the current epidemic of worldwide terrorist activity and the courage and sacrifice of employees of United States agencies overseas, civilian as well as military, it is the sense of Congress that the provisions of section 5928 of title 5, United States Code, relating to the payment of danger pay allowance, should be more extensively utilized at United States missions abroad.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 6311 (S. 3037):

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 1, considered and passed House.
Oct. 5, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984): Oct. 19, Presidential statement.

Public Law 98-577
98th Congress

98 STAT. 3066

An Act

To amend the Small Business Act, the Federal Property and Administrative Services Act of 1949, and the Office of Federal Procurement Policy Act to enhance competition in Government procurement, and for other purposes.

Oct. 30, 1984
[H.R. 4209]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business and Federal Procurement Competition Enhancement Act of 1984.
41 USC 251 note.
Contracts, U.S.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Small Business and Federal Procurement Competition Enhancement Act of 1984".

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Sec. 504. Technical amendments to Competition in Contracting Act of 1984.
Sec. 505. Repeal.

PURPOSES

41 USC 251 note.

SEC. 101. The purposes of this Act are to—

(1) eliminate procurement procedures and practices that unnecessarily inhibit full and open competition for contracts;

98 STAT. 3067

(2) promote the use of contracting opportunities as a means to expand the industrial base of the United States in order to ensure adequate responsive capability of the economy to the increased demands of the Government in times of national emergency; and

Disadvantaged persons.

(3) foster opportunities for the increased participation in the competitive procurement process of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

DEFINITIONS

Ante, p. 1195.

SEC. 102. Section 4 of the Office of Federal Policy Procurement Act is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(9) the term 'technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency. Such term does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration;

"(10)(A) the term 'major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need, which elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property; and

"(B) a system shall be considered a major system if (i) the Department of Defense is responsible for the system and the total expenditures for research, development, test and evaluation for the system are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); (ii) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater; or (iii) the system is designated a 'major system' by the head of the agency responsible for the system; and

"(11) the term 'item', 'item of supply', or 'supplies' means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the system, and includes spare parts and replenishment spare parts, but does not include packaging or labeling associated with shipment or identification of an 'item'.". 98 STAT. 3068

TITLE II—AMENDMENTS TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

PLANNING FOR FUTURE COMPETITION

Ante, p. 1170. SEC. 201. (a) Section 303B of the Federal Property and Administrative Services Act of 1949 (hereafter in this title referred to as "the Act") is amended by adding at the end thereof the following new subsection:

"(f)(1)(A) In preparing a solicitation for the award of a development contract for a major system, the head of an agency shall consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price. Science and technology.

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a development contract are the following:

"(i) Proposals to incorporate in the design of the major system items which are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source.

"(ii) With respect to items that are likely to be required in substantial quantities during the system's service life, proposals to incorporate in the design of the major system items which the United States will be able to acquire competitively in the future.

"(2)(A) In preparing a solicitation for the award of a production contract for a major system, the head of an agency shall consider requiring in the solicitation that an offeror include in its offer proposals described in subparagraph (B). In determining whether to require such proposals, the head of the agency shall give due consideration to the purposes for which the system is being procured and the technology necessary to meet the system's required capabilities. If such proposals are required, the head of the agency shall consider them in evaluating the offeror's price.

"(B) The proposals that the head of an agency is to consider requiring in a solicitation for the award of a production contract are proposals identifying opportunities to ensure that the United States will be able to obtain on a competitive basis items procured in connection with the system that are likely to be reprocured in substantial quantities during the service life of the system. Proposals submitted in response to such requirement may include the following:

"(i) Proposals to provide to the United States the right to use technical data to be provided under the contract for competitive reprocurement of the item, together with the cost to the United States, if any, of acquiring such technical data and the right to use such data.

"(ii) Proposals for the qualification or development of multiple sources of supply for the item.

"(3) If the head of an agency is making a noncompetitive award of a development contract or a production contract for a major system, the factors specified in paragraphs (1) and (2) to be considered in evaluating an offer for a contract may be considered as objectives in negotiating the contract to be awarded.".

98 STAT. 3069

(b) The amendment made by subsection (a) shall apply with respect to any solicitation issued more than 180 days after the date of the enactment of this Act.

Effective date.
41 USC 253b note.

ENCOURAGING NEW COMPETITORS

SEC. 202. (a) Title III of the Act is amended by inserting after section 303C the following new section:

"ENCOURAGEMENT OF NEW COMPETITION

"SEC. 303D. (a) In this section, 'qualification requirement' means a requirement for testing or other quality assurance demonstration that must be completed by an offeror before award of a contract.

41 USC 253c.

"(b) Except as provided in subsection (c), the head of the agency shall, before enforcing any qualification requirement—

"(1) prepare a written justification stating the necessity for establishing the qualification requirement and specify why the qualification requirement must be demonstrated before contract award;

"(2) specify in writing and make available to a potential offeror upon request all requirements which a prospective offeror, or its product, must satisfy in order to become qualified, such requirements to be limited to those least restrictive to meet the purposes necessitating the establishment of the qualification requirement;

"(3) specify an estimate of the costs of testing and evaluation likely to be incurred by a potential offeror in order to become qualified;

"(4) ensure that a potential offeror is provided, upon request, a prompt opportunity to demonstrate at its own expense (except as provided in subsection (d)) its ability to meet the standards specified for qualification using qualified personnel and facilities of the agency concerned or of another agency obtained through interagency agreement, or under contract, or other methods approved by the agency (including use of approved testing and evaluation services not provided under contract to the agency);

"(5) if testing and evaluation services are provided under contract to the agency for the purposes of clause (4), provide to the extent possible that such services be provided by a contractor who is not expected to benefit from an absence of additional qualified sources and who shall be required in such contract to adhere to any restriction on technical data asserted by the potential offeror seeking qualification; and

"(6) ensure that a potential offeror seeking qualification is promptly informed as to whether qualification is attained and, in the event qualification is not attained, is promptly furnished specific information why qualification was not attained.

"(c)(1) Subsection (b) of this section does not apply with respect to a qualification requirement established by statute prior to the date of enactment of this section.

98 STAT. 3070

"(2) Except as provided in paragraph (3), if it is unreasonable to specify the standards for qualification which a prospective offeror or its product must satisfy, a determination to that effect shall be submitted to the advocate for competition of the procuring activity responsible for the purchase of the item subject to the qualification requirement. After considering any comments of the advocate for competition reviewing such determination, the head of the procuring activity may waive the requirements of paragraphs (2) through (5) of subsection (b) for up to two years with respect to the item subject to the qualification requirement.

"(3) The waiver authority contained in paragraph (2) shall not apply with respect to any qualified products list.

"(4) A potential offeror may not be denied the opportunity to submit and have considered an offer for a contract solely because the potential offeror has not been identified as meeting a qualification requirement, if the potential offeror can demonstrate to the satisfaction of the contracting officer that the potential offeror or its product meets the standards established for qualification or can meet such standards before the date specified for award of the contract.

"(5) Nothing contained in this subsection requires the referral of an offer to the Small Business Administration pursuant to section 8(b)(7) of the Small Business Act if the basis for the referral is a challenge by the offeror to either the validity of the qualification requirement or the offeror's compliance with such requirement.

"(6) The head of an agency need not delay a proposed procurement in order to comply with subsection (b) or in order to provide a potential offeror with an opportunity to demonstrate its ability to meet the standards specified for qualification.

Public information.

"(d)(1) If the number of qualified sources or qualified products available to compete actively for an anticipated future requirement is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the head of the agency concerned shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification, unless the contracting officer determines that such publication would compromise national security; and

"(B) bear the cost of conducting the specified testing and evaluation (excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated) for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification and which could reasonably be expected to compete for a contract for that requirement, but such costs may be borne only if the head of the agency determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to offset (within a reasonable period of time considering the duration and dollar value of anticipated future requirements) the costs incurred by the agency.

"(2) The head of an agency shall require a prospective contractor requesting the United States to bear testing and evaluation costs under paragraph (1)(B) to certify as to its status as a small business concern under section 3 of the Small Business Act. 15 USC 632

"(e) Within seven years after the establishment of a qualification requirement, the need for such qualification requirement shall be examined and the standards of such requirement revalidated in accordance with the requirements of subsection (b). The preceding sentence does not apply in the case of a qualification requirement for which a waiver is in effect under subsection (c)(2).

"(f) Except in an emergency as determined by the head of the agency, whenever the head of the agency determines not to enforce a qualification requirement for a solicitation, the agency may not thereafter enforce that qualification requirement unless the agency complies with the requirements of subsection (b).".

(b) The amendment made by subsection (a) shall apply with respect to solicitations issued more than 180 days after the date of enactment of this Act.

Effective date.
41 USC 253c note.

VALIDATION OF PROPRIETARY DATA RESTRICTIONS

SEC. 203. (a) Title III of the Act is amended by inserting after section 303D (as added by section 202 of this Act) the following new section:

"VALIDATION OF PROPRIETARY DATA RESTRICTIONS

Science and technology.
41 USC 253d

"SEC. 303E. (a) A contract for property or services entered into by an executive agency which provides for the delivery of technical data, shall provide that—

"(1) a contractor or subcontractor at any tier shall be prepared to furnish to the contracting officer a written justification for any restriction asserted by the contractor or subcontractor on the right of the United States to use such technical data; and

"(2) the contracting officer may review the validity of any restriction asserted by the contractor or by a subcontractor under the contract on the right of the United States to use technical data furnished to the United States under the contract if the contracting officer determines that reasonable grounds exist to question the current validity of the asserted restriction and that the continued adherence to the asserted restriction by the United States would make it impracticable to procure the item competitively at a later time.

"(b) If after such review the contracting officer determines that a challenge to the asserted restriction is warranted, the contracting officer shall provide written notice to the contractor or subcontractor asserting the restriction. Such notice shall state—

"(1) the grounds for challenging the asserted restriction; and

"(2) the requirement for a response within 60 days justifying the current validity of the asserted restriction.

"(c) If a contractor or subcontractor asserting a restriction subject to this section submits to the contracting officer a written request, showing the need for additional time to comply with the requirement to justify the current validity of the asserted restriction, additional time to adequately permit the submission of such justification shall be provided by the contracting officer as appropriate. If a party asserting a restriction receives notices of challenges to restrictions on technical data from more than one contracting officer, and notifies each contracting officer of the existence of more than one challenge, the contracting officer initiating the first in time challenge, after consultation with the party asserting the restriction and the other contracting officers, shall formulate a schedule of responses to each of the challenges that will afford the party asserting the restriction with an equitable opportunity to respond to each such challenge.

98 STAT. 3072

"(d)(1) Upon a failure by the contractor or subcontractor to submit any response under subsection (b), the contracting officer shall issue a decision pertaining to the validity of the asserted restriction.

"(2) If a justification is submitted in response to the notice provided pursuant to subsection (b), a contracting officer shall within 60 days of receipt of any justification submitted, issue a decision or notify the party asserting the restriction of the time within which a decision will be issued.

"(e) If a claim pertaining to the validity of the asserted restriction is submitted in writing to a contracting officer by a contractor or subcontractor at any tier, such claim shall be considered a claim within the meaning of the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

"(f)(1) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is sustained—

"(A) the restriction on the right of the United States to use the technical data shall be cancelled; and

"(B) if the asserted restriction is found not to be substantially justified, the contractor or subcontractor, as appropriate, shall be liable to the United States for payment of the cost to the United States of reviewing the asserted restriction and the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the United States in challenging the asserted restriction, unless special circumstances would make such payment unjust.

"(2) If, upon final disposition, the contracting officer's challenge to the restriction on the right of the United States to use such technical data is not sustained—

"(A) the United States shall continue to be bound by the restriction; and

"(B) the United States shall be liable for payment to the party asserting the restriction for fees and other expenses (as defined in section 2412(d)(2)(A) of title 28) incurred by the party asserting the restriction in defending the asserted restriction if the challenge by the United States is found not to be made in good faith.".

Effective date.
41 USC 253d note.

(b) The amendment made by subsection (a) shall apply with respect to solicitations issued more than 60 days after the date of the enactment of this Act.

COMMERCIAL PRICING FOR SUPPLIES

Sec. 204. (a) Title III of the Act is further amended by inserting after section 303E (as added by section 203 of this Act) the following new section:

"COMMERCIAL PRICING FOR SUPPLIES

41 USC 253e.

"Sec. 303F. (a) Except in the case of an offer submitted with a written statement under subsection (b)(2) and except as provided in subsection (c), a contract entered into using other than competitive procedures by an executive agency for the purchase of items that are offered for sale to the public may not result in a price to the United States that exceeds the lowest price at which such items are sold by the contractor to the public.

"(b) A person who submits an offer to an executive agency for the supply of items that it offers for sale to the public (1) shall certify in the offer that the price offered is not more than its lowest commercial price for the items, or (2) shall submit with the offer a written statement specifying the amount of the difference between its lowest commercial price for the items and the price offered, and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by subsection (a) for such contract is not appropriate because of—

"(1) national security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

Effective date.
41 USC 253e note.

ECONOMIC ORDER QUANTITIES

SEC. 205. (a) Title III of the Act is further amended by inserting after section 303F (as added by section 204 of this Act) the following new section:

"ECONOMIC ORDER QUANTITIES

"SEC. 303G. (a) Each executive agency shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency.

41 USC 253f.

"(b) Each solicitation for a contract for supplies shall, if practicable, include a provision inviting each offeror responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend a quantity or quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

(b) The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

Effective date.
41 USC 253f note.

PROHIBITION OF CONTRACTORS LIMITING SUBCONTRACTOR SALES DIRECTLY TO THE UNITED STATES

SEC. 206. (a) Title III of the Act is further amended by inserting after section 303G (as added by section 205 of this Act) the following new section:

"PROHIBITION OF CONTRACTORS LIMITING SUBCONTRACTOR SALES DIRECTLY TO THE UNITED STATES

"SEC. 303H. (a) Each contract for the purchase of property or services made by an executive agency shall provide that the contractor will not—

41 USC 253g.

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) made or furnished by the subcontractor under the contract (or any follow-on production contract); or

98 STAT. 3074

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).

"(b) This section does not prohibit a contractor from asserting rights it otherwise has under law.".

(b) The amendment made by subsection (a) shall apply with respect to solicitations made more than 180 days after the date of the enactment of this Act.

Effective date.
41 USC 253g note.

CLERICAL AMENDMENT

SEC. 207. The table of contents of the Act is amended by inserting after the item relating to section 303C the following new items:

"Sec. 303D. Encouragement of new competition.
"Sec. 303E. Validation of proprietary data restrictions.
"Sec. 303F. Commercial pricing for supplies.
"Sec. 303G. Economic order quantities
"Sec. 303H. Prohibition of contractors limiting subcontractor sales directly to the United States.".

TITLE III—AMENDMENTS TO THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT

TECHNICAL DATA MANAGEMENT

Ante, p. 1198.

SEC. 301. (a) The Office of Federal Procurement Policy Act (hereafter in this title referred to as "the Act") is amended by redesignating section 21 as section 23 and by inserting after section 20 the following new section:

"RIGHTS IN TECHNICAL DATA

Science and technology.
41 USC 418a.
Copyrights.
41 USC 251.

"SEC. 21. (a) The legitimate proprietary interest of the United States and of a contractor in technical or other data shall be defined in regulations prescribed as part of the single system of Government-wide procurement regulations as defined in section 4(4) of this Act. Such regulations may not impair any right of the United States or of any contractor with respect to patents or copyrights or any other right in technical data otherwise established by law. Such regulations shall provide, with respect to executive agencies that are subject to the provisions of title III of the Federal Property and Administrative Services Act of 1949, that the United States may not require persons who have developed products or processes offered or to be offered for sale to the public as a condition for the procurement of such products or processes by the United States, to provide to the United States technical data relating to the design, development, or manufacture of such products or processes (except for such data as may be necessary for the United States to operate and maintain the product or use the process if obtained by the United States as an element of performance under the contract).

98 STAT. 3075

"(b)(1) Except as otherwise expressly provided by Federal statute, the regulations prescribed pursuant to subsection (a) shall provide, with respect to executive agencies that are subject to the provisions of title III of the Federal Property and Administrative Services Act of 1949, that the United States shall have unlimited rights in technical data developed exclusively with Federal funds if delivery of such data—

"(A) was required as an element of performance under a contract; and

"(B) is needed to ensure the competitive acquisition of supplies or services that will be required in substantial quantities in the future.

41 USC 251.

"(2) Except as otherwise expressly provided by Federal statute, the regulations prescribed pursuant to subsection (a) shall provide, with respect to executive agencies that are subject to the provisions of title III of the Federal Property and Administrative Services Act of 1949, that the United States (and each agency thereof) shall have an unrestricted, royalty-free right to use, or to have its contractors use, for governmental purposes (excluding publication outside the Government) technical data developed exclusively with Federal funds.

"(3) The requirements of paragraphs (1) and (2) shall be in addition to and not in lieu of any other rights that the United States may have pursuant to law.

"(c) The following factors shall be considered in prescribing regulations pursuant to subsection (a):

"(1) Whether the technical data was developed—

"(A) exclusively with Federal funds;

"(B) exclusively at private expense; or

"(C) in part with Federal funds and in part at private expense.

"(2) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(3) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

Regulations.

"(d) Regulations prescribed under subsection (a) shall require that a contract for property or services entered into by an executive agency contain appropriate provisions relating to technical data, including provisions—

"(1) defining the respective rights of the United States and the contractor or subcontractor (at any tier) regarding any technical data to be delivered under the contract;

"(2) specifying the technical data, if any, to be delivered under the contract and delivery schedules for such delivery;

"(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the contract;

"(4) establishing separate contract line items for the technical data, if any, to be delivered under the contract;

"(5) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

"(6) requiring the contractor to revise any technical data delivered under the contract to reflect engineering design changes made during the performance of the contract and affecting the form, fit, and function of the items specified in the contract and to deliver such revised technical data to an agency within a time specified in the contract;

98 STAT. 3076

"(7) requiring the contractor to furnish written assurance at the time the technical data is delivered or is made available that the technical data is complete and accurate and satisfies the requirements of the contract concerning technical data;

"(8) establishing remedies to be available to the United States when technical data required to be delivered or made available under the contract is found to be incomplete or inadequate or to not satisfy the requirements of the contract concerning technical data; and

"(9) authorizing the head of the agency to withhold payments under the contract (or exercise such other remedies as the head of the agency considers appropriate) during any period if the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.".

(b) Section 2320(a) of title 10, United States Code, is amended by striking out "in regulations prescribed as part" and inserting in lieu thereof "in regulations of the Department of Defense prescribed as part".

Effective date.
41 USC 418a note.

(c) The amendment made by subsection (a) shall take effect on the date of enactment of this Act. The regulations required by such amendment shall be issued not later than July 1, 1985.

Report.

(d) Within 60 days after the date the regulations required by the amendment made by subsection (a) are prescribed, the Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report describing in detail how those regulations give consideration to the factors specified for consideration in that section.

PUBLICATION OF PROPOSED REGULATIONS

SEC. 302. (a) The Act is further amended by inserting after section 21 (as added by section 301 of this Act) the following new section:

"PUBLICATION OF PROPOSED REGULATIONS

Federal Register, publication. 41 USC 418b.

"SEC. 22. (a) Except as provided in subsection (d), no procurement policy, regulation, procedure, or form (including amendments or modifications thereto) relating to the expenditure of appropriated funds that has (1) a significant effect beyond the internal operating procedures of the agency issuing the procurement policy, regulation, procedure or form, or (2) a significant cost or administrative impact on contractors or offerors, may take effect until 30 days after the procurement policy, regulation, procedure, or form is published for public comment in the Federal Register pursuant to subsection (b).

"(b) Subject to subsection (c), the head of the agency shall cause to be published in the Federal Register a notice of the proposed procurement policy, regulation, procedure, or form and provide for a public comment period for receiving and considering the views of all interested parties on such proposal. The length of such comment period may not be less than 30 days.

"(c) Any notice of a proposed procurement policy, regulation, procedure, or form prepared for publication in the Federal Register shall include—

"(1) the text of the proposal or, if it is impracticable to publish the full text of the proposal, a summary of the proposal and a statement specifying the name, address, and telephone number of the officer or employee of the executive agency from whom the full text may be obtained; and

"(2) a request for interested parties to submit comments on the proposal and shall include the name and address of the officer or employee of the Government designated to receive such comments.

"(d)(1) The requirements of subsections (a) and (b) may be waived by the officer authorized to issue a procurement policy, regulation, procedure, or form if urgent and compelling circumstances make compliance with such requirements impracticable.

"(2) A procurement policy, regulation, procedure, or form with respect to which the requirements of subsections (a) and (b) are waived under paragraph (1) shall be effective on a temporary basis if—

"(A) a notice of such procurement policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the procurement policy, regulation, procedure, or form is temporary; and

"(B) provision is made for a public comment period of 30 days beginning on the date on which the notice is published.

After considering the comments received, the head of the agency waiving the requirements of subsections (a) and (b) under paragraph (1) may issue the final procurement policy, regulation, procedure, or form.".

Effective date. 41 USC 418b note.

(b) The procedures required by the amendment made by subsection (a) shall apply with respect to procurement policies, regulations, procedures, or forms that an agency issues in final form on or after the date which is 30 days after the date of enactment of this Act.

Ante, p. 2590.

(c)(1) Section 2303a of title 10, United States Code, is repealed.

(2) The table of sections of chapter 137 of such title is amended by striking out the item pertaining to section 2303a.

PROCUREMENT NOTICES

SEC. 303. (a) Section 18 of the Office of Federal Procurement Policy Act is amended to read as follows:

"PROCUREMENT NOTICE

41 USC 416.
Public information.

"SEC. 18. (a)(1) Except as provided in subsection (c)—

"(A) an executive agency intending to—

"(i) solicit bids or proposals for a contract for property or services for a price expected to exceed $10,000; or

"(ii) place an order, expected to exceed $10,000, under a basic agreement, basic ordering agreement, or similar arrangement,

shall furnish for publication by the Secretary of Commerce a notice described in subsection (b); and

"(B) an executive agency awarding a contract for property or services for a price exceeding $25,000, or placing an order referred to in clause (A)(ii) exceeding $25,000, shall furnish for publication by the Secretary of Commerce a notice announcing the award or order if there is likely to be any subcontract under such contract or order.

"(2) The Secretary of Commerce shall publish promptly in the Commerce Business Daily each notice required by paragraph (1).

98 STAT. 3078

"(3) Whenever an executive agency is required by paragraph (1)(A) to furnish a notice to the Secretary of Commerce, such executive agency may not—

"(A) issue the solicitation earlier than 15 days after the date on which the notice is published by the Secretary of Commerce; or

"(B) establish a deadline for the submission of all bids or proposals in response to the notice required by paragraph (1)(A) that—

"(i) in the case of an order under a basic agreement, basic ordering agreement, or similar arrangement, is earlier than the date 30 days after the date the notice required by paragraph (1)(A)(ii) is published;

Research and development.

"(ii) in the case of a solicitation for research and development, is earlier than the date 45 days after the date the notice required by paragraph (1)(A)(i) is published; or

"(iii) in any other case, is earlier than the date 30 days after the date the solicitation is issued.

"(b) Each notice of solicitation required by subsection (a)(1)(A) shall include—

"(1) an accurate description of the property or services to be contracted for, which description (A) shall not be unnecessarily restrictive of competition, and (B) shall include, as appropriate, the agency nomenclature, National Stock Number or other part number, and a brief description of the item's form, fit, or function, physical dimensions, predominant material of manufacture, or similar information that will assist a prospective contractor to make an informed business judgment as to whether a copy of the solicitation should be requested;

"(2) provisions that—

"(A) state whether the technical data required to respond to the solicitation will not be furnished as part of such solicitation, and identify the source in the Government, if any, from which the technical data may be obtained; and

"(B) state whether an offeror, its product, or service must meet a qualification requirement in order to be eligible for award, and, if so, identify the office from which the qualification requirement may be obtained;

"(3) the name, business address, and telephone number of the contracting officer;

"(4) a statement that all responsible sources may submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency; and

"(5) in the case of a procurement using procedures other than competitive procedures, a statement of the reason justifying the use of such procedures and the identity of the intended source.

"(c)(1) A notice is not required under subsection (a)(1) if—

"(A) the notice would disclose the executive agency's needs and the disclosure of such needs would compromise the national security;

"(B) the proposed procurement would result from acceptance of—

"(i) any unsolicited proposal that demonstrates a unique and innovative research concept and the publication of any notice of such unsolicited research proposal would disclose the originality of thought or innovativeness of the proposal or would disclose proprietary information associated with the proposal; or

"(ii) a proposal submitted under section 9 of the Small Business Act;

"(C) the procurement is made against an order placed under a requirements contract;

"(D) the procurement is made for perishable subsistence supplies; or

Utilities.

"(E) the procurement is for utility services, other than telecommunication services, and only one source is available.

"(2) The requirements of subsection (a)(1)(A) do not apply to any procurement under conditions described in paragraph (2), (3), (4), (5), or (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or paragraph (2), (3), (4), (5), or (7) of section 2304(c) of title 10, United States Code.

"(3) The requirements of subsection (a)(1)(A) shall not apply in the case of any procurement for which the head of the executive agency makes a determination in writing, after consultation with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that it is not appropriate or reasonable to publish a notice before issuing a solicitation.

Public information.

"(d) An executive agency shall make available to any business concern, or the authorized representative of such concern, the complete solicitation package for any on-going procurement announced pursuant to a notice under subsection (e). An executive agency may require the payment of a fee, not exceeding the actual cost of duplication, for a copy of such package.".

Effective date.
41 USC 416 note.

(b) The amendment made by subsection (a) shall take effect with respect to any solicitation issued after March 31, 1985.

Tennessee Valley Authority.
41 USC 416 note.

(c) The provisions of the amendment made by subsection (a) of this section shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.

TITLE IV—AMENDMENTS TO THE SMALL BUSINESS ACT

CERTIFICATE OF COMPETENCY

SEC. 401. Section 8(b)(7)(C) of the Small Business Act (15 U.S.C. 637(b)(7)(C)) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this subparagraph, the Administration may not establish an exemption from referral or notification or refuse to accept a referral or notification from a Government procurement officer made pursuant to subparagraph (A) or (B) of this paragraph, but nothing in this paragraph shall require the processing of an application for certification if the small business concern to which the referral pertains declines to have the application processed.".

SMALL BUSINESS SUBCONTRACTING POLICY STATEMENTS

SEC. 402. (a) Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.".

98 STAT. 3080

(b) Section 8(d)(3)(A) of the Small Business Act (15 U.S.C. 637(d)(3)(A)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.".

Disadvantaged persons.

BREAKOUT PROCUREMENT CENTER REPRESENTATIVES

SEC. 403. (a) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

"(l)(1) The Administration shall assign to each major procurement center a breakout procurement center representative with such assistance as may be appropriate. The breakout procurement center representative shall carry out the activities described in paragraph (2), and shall be an advocate for the breakout of items for procurement through full and open competition, whenever appropriate, while maintaining the integrity of the system in which such items are used, and an advocate for the use of full and open competition, whenever appropriate, for the procurement of supplies and services by such center. Any breakout procurement center representative assigned under this subsection shall be in addition to the representative referred to in subsection (k)(6).

"(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout procurement center representative is authorized to—

"(A) attend any provisioning conference or similar evaluation session during which determinations are made as to whether requirements are to be procured through other than full and open competition and make recommendations with respect to such requirements to the members of such conference or session;

"(B) review, at any time, restrictions on competition previously imposed on items through acquisition method coding or similar procedures, and recommend to personnel of the appropriate activity the prompt reevaluation of such limitations;

"(C) review restrictions on competition arising out of restrictions on the rights of the United States in technical data, and, when appropriate, recommend that personnel of the appropriate activity initiate a review of the validity of such an asserted restriction;

"(D) obtain from any governmental source, and make available to personnel of the appropriate activity, unrestricted technical data necessary for the preparation of a competitive solicitation package for any item of supply or service previously procured noncompetitively due to the unavailability of such unrestricted technical data;

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"(E) have access to the unclassified procurement records and other data of the procurement center;

"(F) receive unsolicited engineering proposals and, when appropriate (i) conduct a value analysis of such proposal to determine whether such proposal, if adopted, will result in lower costs to the United States without substantially impeding legitimate acquisition objectives and forward to personnel of the appropriate activity recommendations with respect to such proposal, or (ii) forward such proposals without analysis to personnel of the activity responsible for reviewing such proposals and who shall furnish the breakout procurement center representative with information regarding the disposition of any such proposal; and

"(G) review the systems that account for the acquisition and management of technical data within the procurement center to assure that such systems provide the maximum availability and access to data needed for the preparation of offers to sell to the United States those supplies to which such data pertain which potential offerors are entitled to receive.

"(3) A breakout procurement center representative is authorized to appeal a failure to act favorably on any recommendation made pursuant to paragraph (2). Such appeal shall be in writing, specifically reciting both the circumstances of the appeal and the basis of the recommendation. The appeal shall be decided by a person within the employ of the appropriate activity who is at least one supervisory level above the person who initially failed to act favorably on the recommendation. Such appeal shall be decided within 30 calendar days of its receipt.

Effective date.

"(4) The Administration shall assign and co-locate at least two small business technical advisers to each major procurement center in addition to such other advisers as may be authorized from time to time. The sole duties of such advisers shall be to assist the breakout procurement center representative for the center to which such advisers are assigned in carrying out the functions described in paragraph (2) and the representatives referred to in subsection (k)(6).

"(5)(A) The breakout procurement center representatives and technical advisers assigned pursuant to this subsection shall be—

"(i) full-time employees of the Administration; and

"(ii) fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center to which they are assigned.

"(B) In addition to the requirements of subparagraph (A), each breakout procurement center representative, and at least one technical adviser assigned to such representative, shall be an accredited engineer.

"(C) The Administration shall establish personnel positions for breakout procurement representatives and advisers assigned pursuant to this subsection, which are classified at a grade level of the General Schedule sufficient to attract and retain highly qualified personnel.

"(6) For purposes of this subsection, the term 'major procurement center' means a procurement center of the Department of Defense that awarded contracts for items other than commercial items totaling at least $150,000,000 in the preceding fiscal year, and such other procurement centers as designated by the Administrator.".

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15 USC 644 note.

(b)(1) The Administrator of the Small Business Administration and the Comptroller General of the United States shall jointly establish standards for measuring cost savings achieved through the efforts of breakout procurement center representatives and for measuring the extent to which competition has been increased as a result of such efforts. Thereafter, the Administrator shall annually prepare and submit to the Congress a report setting forth—

Report.

(A) the cost savings achieved during the year covered by such report through the efforts of breakout procurement center representatives;

(B) an evaluation of the extent to which competition has been increased as a result of such efforts; and

(C) such other information as the Administrator may deem appropriate.

Report.

(2) Within 180 days following the submission of the second annual report to Congress by the Administrator, the Comptroller General shall report to the Congress an evaluation of the Administration's adherence to the standards jointly established and the accuracy of the information the Administration has submitted to the Congress.

PROCUREMENT NOTICES

SEC. 404. (a) Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e)(1) Except as provided in subsection (g)—

"(A) an executive agency intending to—

"(i) solicit bids or proposals for a contract for property or services for a price expected to exceed $10,000; or

"(ii) place an order, expected to exceed $10,000, under a basic agreement, basic ordering agreement, or similar arrangement,

shall furnish for publication by the Secretary of Commerce a notice described in subsection (b); and

"(B) an executive agency awarding a contract for property or services for a price exceeding $25,000, or placing an order referred to in clause (A)(ii) exceeding $25,000, shall furnish for publication by the Secretary of Commerce a notice announcing the award or order if there is likely to be any subcontract under such contract or order.

"(2) The Secretary of Commerce shall publish promptly in the Commerce Business Daily each notice required by paragraph (1).

"(3) Whenever an executive agency is required by paragraph (1)(A) to furnish a notice to the Secretary of Commerce, such executive agency may not—

Effective date.

"(A) issue the solicitation earlier than 15 days after the date on which the notice is published by the Secretary of Commerce; or

"(B) establish a deadline for the submission of all bids or proposals in response to the notice required by paragraph (1)(A) that—

Effective date.

"(i) in the case of an order under a basic agreement, basic ordering agreement, or similar arrangement, is earlier than the date 30 days after the date the notice required by paragraph (1)(A)(ii) is published;

Research and development.

"(ii) in the case of a solicitation for research and development, is earlier than the date 45 days after the date the notice required by paragraph (1)(A)(i) is published; or

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"(iii) in any other case, is earlier than the date 30 days after the date the solicitation is issued.

"(f) Each notice of solicitation required by subsection (e)(1)(A) shall include—

"(1) an accurate description of the property or services to be contracted for, which description (A) shall not be unnecessarily restrictive of competition, and (B) shall include, as appropriate, the agency nomenclature, National Stock Number or other part number, and a brief description of the item's form, fit, or function, physical dimensions, predominant material of manufacture, or similar information that will assist a prospective contractor to make an informed business judgment as to whether a copy of the solicitation should be requested;

"(2) provisions that—

"(A) state whether the technical data required to respond to the solicitation will not be furnished as part of such solicitation, and identify the source in the Government, if any, from which the technical data may be obtained; and

"(B) state whether an offeror, its product, or service must meet a qualification requirement in order to be eligible for award, and, if so, identify the office from which a qualification requirement may be obtained;

"(3) the name, business address, and telephone number of the contracting officer;

"(4) a statement that all responsible sources may submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency; and

"(5) in the case of a procurement using procedures other than competitive procedures, a statement of the reason justifying the use of such procedures and the identity of the intended source.

"(g)(1) A notice is not required under subsection (a)(1) if—

"(A) the notice would disclose the executive agency's needs and the disclosure of such needs would compromise the national security;

"(B) the proposed procurement would result from acceptance of—

"(i) any unsolicited proposal that demonstrates a unique and innovative research concept and the publication of any notice of such unsolicited research proposal would disclose the originality of thought or innovativeness of the proposal or would disclose proprietary information associated with the proposal; or

"(ii) a proposal submitted under section 9 of this Act;

"(C) the procurement is made against an order placed under a requirements contract;

"(D) the procurement is made for perishable subsistence supplies; or

"(E) the procurement is for utility services, other than telecommunication services, and only one source is available.

Ante, p. 1175.
Ante, p. 1187.

"(2) The requirements of subsection (a)(1)(A) do not apply to any procurement under conditions described in paragraph (2), (3), (4), (5), or (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or paragraph (2), (3), (4), (5), or (7) of section 2304(c) of title 10, United States Code.

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"(3) The requirements of subsection (a)(1)(A) shall not apply in the case of any procurement for which the head of the executive agency makes a determination in writing, after consultation with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that it is not appropriate or reasonable to publish a notice before issuing a solicitation.

"(h)(1) An executive agency may not award a contract using procedures other than competitive procedures unless—

"(A) except as provided in paragraph (2), a written justification for the use of such procedures has been approved—

"(i) in the case of a contract for an amount exceeding $100,000 (but equal to or less than $1,000,000), by the advocate for competition for the procuring activity (without further delegation);

Armed Forces.
Government organization and employees.

"(ii) in the case of a contract for an amount exceeding $1,000,000 (but equal to or less than $10,000,000), by the head of the procuring activity or a delegate who, if a member of the Armed Forces, is a general or flag officer, or, if a civilian, is serving in a position in grade GS-16 or above under the General Schedule (or in a comparable or higher position under another schedule); or

97 Stat. 1330.

"(iii) in the case of a contract for an amount exceeding $10,000,000, by the senior procurement executive of the agency designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) (without further delegation); and

"(B) all other requirements applicable to the use of such procedures under title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or chapter 137 of title 10, United States Code, as appropriate, have been satisfied.

"(2) The same exceptions as are provided in section 303(f)(2) of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253(f)(2)) or section 2304(f)(2) of title 10, United States Code, shall apply with respect to the requirements of paragraph (1)(A) of this subsection in the same manner as such exceptions apply to the requirements of section 303(f)(1) of such Act or section 2304(f)(1) of such title, as appropriate.

"(i) An executive agency shall make available to any business concern, or the authorized representative of such concern, the complete solicitation package for any on-going procurement announced pursuant to a notice under subsection (e). An executive agency may require the payment of a fee, not exceeding the actual cost of duplication, for a copy of such package.

"(j) For purposes of this section, the term 'executive agency' has the meaning provided such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).".

97 Stat. 1326.
Ante, p. 1195.
Effective date.

(b) The amendment made by subsection (a) shall take effect with respect to any solicitation for bids or proposals issued after March 31, 1985.

Tennessee
Valley
Authority.

(c) The provisions of the amendment made by subsection (a) of this section shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.

TITLE V—OTHER PROCUREMENT PROVISIONS

98 STAT. 3085

REGULATIONS ON OVERHEAD

97 Stat. 1326
Ante, p. 1195.

SEC. 501. Not later than 180 days after the date of enactment of this Act the single system of Government-wide procurement regulations (as defined in section 4(4)) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)) shall be revised to include or amend, as appropriate, provisions relating to the manner in which each executive agency (as defined in section 4(1) of such Act (41 U.S.C. 403(1)) may negotiate prices for supplies to be obtained through the use of other than competitive procedures, as defined in section 4(b) of such Act (41 U.S.C. 403(b)). Such revision shall specify the incurred overhead a contractor may appropriately allocate to such supplies, and shall require the contractor to identify those supplies which it did not manufacture or to which it did not contribute significant value. Nothing in this subsection shall require the submission of cost or pricing data not otherwise required by law.

PERSONNEL EVALUATIONS

Government
organization and
employees.
41 USC 251.

SEC. 502. The head of each executive agency that is subject to the provisions of title III of the Federal Property and Administrative Services Act of 1949 shall ensure, with respect to the employees of that agency whose primary duties and responsibilities pertain to the award of contracts subject to the provisions of this Act, that the performance appraisal system applicable to such employees affords appropriate recognition to, among other factors, efforts—

(1) to increase competition and achieve cost savings through the elimination of procedures that unnecessarily inhibit full and open competition;

(2) to further the purposes of the Small Business and Federal Procurement Competition Enhancement Act of 1984 and the Defense Procurement Reform Act of 1984; and

(3) to further such other objectives and purposes of the Federal acquisition system as may be authorized by law.

REPORT ON PRIME CONTRACTORS QUALIFYING ADDITIONAL SOURCES

SEC. 503. Not later than July 1, 1985, the Administrator of the Office of Federal Procurement Policy shall submit to the Congress a report on the desirability and feasibility of various methods that may be used to qualify competitive sources for subsystems, assemblies, and components acquired as part of a major system established by an agency pursuant to Office of Management and Budget (OMB) Circular A–109 entitled "Major Systems Acquisitions" and likely to be reprocured in substantial quantities during the system's service life. Such report shall discuss the desirability and feasibility of a contractual requirement that, in those situations where a prime contractor qualifies its subcontractors and suppliers, the prime contractor be required to—

(1) qualify at least two sources for each major subsystem, assembly, or component during the term of the contract; or

(2) furnish to the United States as a deliverable item under the contract, the qualification standards and processes employed by the prime contractor, so as to permit the United States to qualify additional sources for future competitive procurements.

TECHNICAL AMENDMENTS TO COMPETITION IN CONTRACTING ACT OF 1984

SEC. 504. (a)(1) Section 303(b) of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) An executive agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 639; 644).

"(3) A contract awarded pursuant to the competitive procedures referred to in paragraphs (1) and (2) shall not be subject to the justification and approval required by subsection (f)(1).".

41 USC 253.

(2) Section 303(f) of such Act is amended by striking out the last sentence of paragraph (2) and by inserting in lieu thereof the following: "The justification and approval required by paragraph (1) is not required in the case of a procurement permitted by subsection (c)(7) or in the case of a procurement conducted under—

"(A) the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act; or

"(B) the authority of section 8(a) of the Small Business Act (15 U.S.C. 637).".

(3) Section 309(b) of such Act is amended—

(A) by striking out the period at the end of paragraph (3) and by inserting in lieu thereof a semicolon; and

(B) by adding at the end thereof the following new paragraphs:

"(4) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C. 644) as long as all responsible business concerns that are entitled to submit offers for such procurements are permitted to compete; and

"(5) a competitive selection of research proposals resulting from a general solicitation and peer review or scientific review (as appropriate) solicited pursuant to section 9 of the Small Business Act (15 U.S.C. 638).".

Ante, p. 1180.

(4) Section 309(c) of such Act is amended by striking out "and 'responsible source' have" and inserting in lieu thereof ", 'responsible source', 'technical data', 'major system', 'item', 'item of supply', and 'supplies' have".

Ante, p. 1187.

(b)(1) Section 2304(b) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) An executive agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 639; 644).

"(3) A contract awarded pursuant to the competitive procedures referred to in paragraphs (1) and (2) shall not be subject to the justification and approval required by subsection (f)(1).".

(2) Section 2304(f) of such title is amended by striking out the last sentence of paragraph (2) and by inserting in lieu thereof the following: "The justification and approval required by paragraph (1) is not required in the case of a procurement permitted by subsection (c)(7) or in the case of a procurement conducted under—

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"(A) the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act; or

"(B) the authority of section 8(a) of the Small Business Act (15 U.S.C. 637).".

(3) Section 2302(2) of such title is amended—

Ante, p. 1186.

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of paragraph (C) and by inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new subparagraphs:

"(D) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C. 644) as long as all responsible business concerns that are entitled to submit offers for such procurements are permitted to compete; and

"(E) a competitive selection of research proposals resulting from a general solicitation and peer review or scientific review (as appropriate) solicited pursuant to section 9 of the Small Business Act (15 U.S.C. 638).".

REPEAL

SEC. 505. Section 2311 of title 10, United States Code (as amended by section 1214 of the Defense Procurement Reform Act of 1984), is amended—

(1) by striking out "(a)" at the beginning of subsection (a); and

(2) by striking out subsection (b).

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 4209 (S. 2489):

HOUSE REPORT No. 98-528 (Comm. on Small Business).
SENATE REPORT No. 98-523 accompanying S. 2489 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 21, considered and passed House.
Aug. 7, considered and passed Senate, amended, in lieu of S. 2489.
Oct. 2, House agreed to Senate amendments with amendments.
Oct. 4, Senate concurred in House amendments.

Public Law 98-614
98th Congress

98 STAT. 3192

An Act

To extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes.

Nov. 8, 1984
[H.R. 1314]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reorganization Act Amendments of 1984".

Reorganization Act Amendments of 1984.
5 USC 901 note.

EXTENSION OF AUTHORITY

SEC. 2. (a) Subsection (b) of section 905 of title 5, United States Code, is amended to read as follows: "(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress (in accordance with section 903(b)) on or before December 31, 1984.".

(b) Paragraph (1) of section 908 of title 5, United States Code, is amended by striking out "described by section 909 of this title" and inserting in lieu thereof "with respect to any reorganization plans transmitted to Congress (in accordance with section 903(b) of this chapter) on or before December 31, 1984".

METHOD OF TAKING EFFECT

SEC. 3. (a) Section 906 of title 5, United States Code, is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

President of U.S.

"(a) Except as provided under subsection (c) of this section, a reorganization plan shall be effective upon approval by the President of a resolution (as defined in section 909) with respect to such plan, if such resolution is passed by the House of Representatives and the Senate, within the first period of 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution."; and

(2) by striking out everything after "otherwise is effective" in subsection (c) and inserting in lieu thereof a period.

(b) Chapter 9 of title 5, United States Code, is further amended—

5 USC 903. (1) by striking out "thirty calendar days" in section 903(c) and inserting in lieu thereof "60 calendar days";

(2) by striking out "sixty calendar days" in such section and inserting in lieu thereof "90 calendar days";

5 USC 910. (3) by striking out "45 calendar days" in section 910(b) and inserting in lieu thereof "75 calendar days"; and

5 USC 911. (4) by striking out "45 calendar days" in section 911 and inserting in lieu thereof "75 calendar days".

98 STAT. 3193

(c) Section 909 of title 5, United States Code, is amended—

(1) by striking out "a resolution of either House of Congress" and inserting in lieu thereof "a joint resolution of the Congress"; and

(2) by striking out "the does not favor" and inserting in lieu thereof "the Congress approves".

(d) Section 912 of title 5, United States Code, is amended—

(1) by striking out "agreed to or disagreed to" in subsection (b) and inserting in lieu thereof "passed or rejected"; and

(2) by striking out "final approval" in subsection (c) and inserting in lieu thereof "final passage".

(e)(1) Section 912 is amended by adding at the end thereof the following new subsection:

"(e) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same reorganization plan from the other House, then—

"(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(2) the vote on final passage shall be on the resolution of the other House.".

(2) The heading of such section is amended by striking out "**disapproval**" and inserting in lieu thereof "**passage**".

(3) The table of contents for chapter 9 of title 5, United States Code, is amended by striking out "disapproval" in the item pertaining to section 912 and inserting in lieu thereof "passage".

INFORMATION TO ACCOMPANY PLANS

SEC. 4. Section 903(b) of title 5, United States Code, is amended by adding at the end thereof the following new sentences: "In addition, the President's message shall include an implementation section which shall (1) describe in detail (A) the actions necessary or planned to complete the reorganization, (B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and (C) any preliminary actions which have been taken in the implementation process, and (2) contain a projected timetable for completion of the implementation process. The President shall also submit such further background or other information as the Congress may require for its consideration of the plan.".

President of U.S.

RESTRICTIONS ON CONTENTS OF PLANS

SEC. 5. (a) Section 905(a) of title 5, United States Code, is amended—

(1) by inserting "or renaming an existing executive department" immediately after "a new executive department" in paragraph (1);

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(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting immediately after paragraph (4) the following new paragraph:

"(5) creating a new agency which is not a component or part of an existing executive department or independent agency;".

(b) Section 904(1) of such title is amended by inserting ", subject to section 905," immediately after "may".

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 1314:

HOUSE REPORTS: No. 98-128, Pt. 1 (Comm. on Government Operations) and Pt. 2 (Comm. on Rules).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Apr. 10, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 98-615
98th Congress

98 STAT. 3195

An Act

To provide retirement equity for former spouses of civil service retirees, and for other purposes.

Nov. 8, 1984
[H.R. 2300]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Service Retirement Spouse Equity Act of 1984".

Civil Service Retirement Spouse Equity Act of 1984.
5 USC 8331 note.
5 USC 8331.

SEC. 2. Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) by striking out "and" at the end of paragraph (21);

(B) by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(23) 'former spouse' means a former spouse of an individual—

"(A) if such individual performed at least 18 months of civilian service covered under this subchapter as an employee or Member, and

"(B) if the former spouse was married to such individual for at least 9 months; and

"(24) 'Indian court' means an Indian court as defined by section 201(3) of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1301(3); 82 Stat. 77).";

(2) by amending section 8334(h) to read as follows: 5 USC 8334.

"(h) For the purpose of survivor annuities, deposits authorized by subsections (c), (d), and (j) of this section and by section 8339(j)(5)(C) and the last sentence of section 8339(k)(2) of this title may also be made by a survivor of an employee or Member.";

Infra.
Infra.

(3) in section 8339—

(A) by amending subsection (j) to read as follows:

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Regulations.
Waiver.

98 STAT. 3196

"(j)(1) The annuity computed under subsections (a)–(i) and (n) of this section (or a portion of the annuity, if jointly designated for this purpose by the employee or Member and the spouse of the employee or Member under procedures prescribed by the Office of Personnel Management) for an employee or Member who is married at the time of retiring under this subchapter is reduced as provided in paragraph (4) of this subsection in order to provide a survivor annuity for the spouse under section 8341(b) of this title, unless the employee or Member and the spouse jointly waive the spouse's right to a survivor annuity in a written election filed with the Office at the time that the employee or Member retires. Each such election shall be made in accordance with such requirements as the Office shall, by regulation, prescribe, and shall be irrevocable. The Office shall provide, by regulation, that an employee or Member may waive the survivor annuity without the spouse's consent if the employee or Member establishes to the satisfaction of the Office—

"(A) that the spouse's whereabouts cannot be determined, or

"(B) that, due to exceptional circumstances, requiring the employee or Member to seek the spouse's consent would otherwise be inappropriate.

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"(2) If an employee or Member has a former spouse who is entitled to a survivor annuity as provided in section 8341(h) of this title, the annuity of the employee or Member computed under subsections (a)–(i) and (n) of this section (or any designated portion of the annuity, in the event that the former spouse is entitled to less than 55 percent of the employee or Member's annuity) is reduced as provided in paragraph (4) of this subsection.

"(3) An employee or Member who has a former spouse may elect, under procedures prescribed by the Office, to have the annuity computed under subsections (a)–(i) and (n) of this section or a portion thereof reduced as provided in paragraph (4) of this subsection in order to provide a survivor annuity for such former spouse under section 8341(h) of this title. An election under this paragraph shall be made at the time of retirement or, if later, within 2 years after the date on which the marriage of the former spouse to the employee or Member is dissolved, subject to a deposit in the Fund by the retired employee or Member, within such 2-year period, of an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which the annuity of such employee or Member would have been reduced if the election had been continuously in effect since the date the annuity commenced, plus interest. For the purposes of the preceding sentence, the annual rate of interest for each year during which the annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent. If the employee or Member does not make such a deposit, the Office shall collect the amount of the deposit by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset. An election under this paragraph—

"(A) shall not be effective to the extent that it—

"(i) conflicts with—

Post, p. 3199.

"(I) any court order or decree referred to in subsection (h)(1) of section 8341 of this title, which was issued before the date of such election; or

"(II) any agreement referred to in such subsection which was entered into before such date; or

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"(ii) would cause the total of survivor annuities payable under subsections (b), (d), (f), and (h) of section 8341 of this title based on the service of the employee or Member to exceed 55 percent of the annuity to which the employee or Member is entitled under subsections (a)–(i) and (n) of this section; and

"(B) shall not be effective, in the case of an employee or Member who is then married, unless it is made with the spouse's written consent.

Regulations. Waiver.

The Office shall provide by regulation that subparagraph (B) of this paragraph may be waived for either of the reasons set forth in the last sentence of paragraph (1) of this subsection. In the case of a retired employee or Member whose annuity is being reduced in order to provide a survivor annuity for a former spouse, an election to provide or increase a survivor annuity for any other former spouse (and to continue an appropriate reduction) may be made

within the same period that, and subject to the same conditions under which, an election could be made under paragraph (5)(B) of this subsection for a current spouse (subject to the provisions of this paragraph relating to consent of a current spouse, if the retired employee or Member is then married). The opportunity to make an election under the preceding sentence is in addition to any opportunity otherwise afforded under this paragraph.

"(4) In order to provide a survivor annuity or combination of survivor annuities under subsections (b), (d), (f), and (h) of section 8341 of this title, the annuity of an employee or Member (or any designated portion or portions thereof) is reduced by 2½ percent of the first $3,600 thereof plus 10 percent of so much thereof as exceeds $3,600.

Post, p. 3199.

Termination dates.

"(5)(A) Any reduction in an annuity for the purpose of providing a survivor annuity for the current spouse of a retired employee or Member shall be terminated for each full month—

"(i) after the death of the spouse, or

"(ii) after the dissolution of the spouse's marriage to the employee or Member, except that an appropriate reduction shall be made thereafter if the spouse is entitled, as a former spouse, to a survivor annuity under section 8341(h) of this title.

Post, p. 3199.

"(B)(i) Any reduction in an annuity for the purpose of providing a survivor annuity for a former spouse of a retired employee or Member shall be terminated for each full month after the former spouse remarries before reaching age 55 or dies, unless the employee or Member elects, within 2 years after the former spouse's death or remarriage, to continue the reduction in order to provide a survivor annuity or increase the survivor annuity for the current spouse of the retired employee or Member.

"(ii) Notwithstanding clause (i) of this subparagraph—

"(I) a reduction in an annuity shall not be terminated under such clause, and

"(II) an election made under such clause with respect to a current spouse after a remarriage before age 55 or the death of a former spouse shall not be effective,

if, and to the extent that, continuation of the reduction is necessary in order to provide for any survivor annuity, or any increase in a survivor annuity, which becomes payable under section 8341(h)(2) of this title to any other former spouse as a result of such remarriage or death.

"(C)(i) Upon remarriage, a retired employee or Member who was married at the time of retirement (including an employee or Member whose annuity was not reduced to provide a survivor annuity for the employee or Member's spouse or former spouse as of the time of retirement) may irrevocably elect during such marriage, in a signed writing received by the Office within 2 years after such remarriage or, if later, within 2 years after the death or remarriage of any former spouse of such employee or Member who was entitled to a survivor annuity under section 8341(h) of this title (or of the last such surviving former spouse, if there was more than one), a reduction in the employee or Member's annuity under paragraph (4) of this subsection for the purpose of providing an annuity for such employee or Member's spouse in the event such spouse survives the employee or Member.

Effective date.

"(ii) Such election and reduction shall be effective the first day of the second month after the election is received by the Office, but not less than 9 months after the date of the remarriage, and the retired employee or Member shall, within 2 years after the date of the remarriage or, if later, the death or remarriage of the former spouse (or of the last such surviving former spouse), deposit in the Fund an amount determined by the Office of Personnel Management, as nearly as may be administratively feasible, to reflect the amount by which the annuity of such retired employee or Member would have been reduced if the election had been in effect since the date of retirement or, if later, the date the previous reduction in such retired employee or Member's annuity was terminated under subparagraph (A) or (B) of this paragraph, plus interest. For the purposes of the preceding sentence, the annual rate of interest for each year during which an annuity would have been reduced if the election had been in effect on and after the applicable date referred to in such sentence shall be 6 percent.

"(iii) If the employee or Member does not make such deposit, the Office shall collect such amount by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset.

"(iv) Notwithstanding any other provision of this subparagraph, an election under this subparagraph may not be made for the purpose of providing an annuity in the case of a spouse by remarriage if such spouse was married to the employee or Member at the time of such employee or Member's retirement, and all rights to survivor benefits for such spouse under this subchapter based on marriage to such employee or Member were then waived under paragraph (1) of this subsection or a similar prior provision of law.";

(B) in subsection (k)(1) by striking out "unmarried" in the first sentence thereof; and

(C) by amending subsection (k)(2) to read as follows:

"(2)(A) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to such employee or Member's spouse and who later marries, may irrevocably elect, in a signed writing received in the Office within 2 years after such employee or Member marries or, if later, within 2 years after the death or remarriage of any former spouse of such employee or Member who was entitled to a survivor annuity under section 8341(h) of this title (or of the last such surviving former spouse, if there was more than one), a reduction in the retired employee or Member's current annuity as provided in subsection (j) of this section.

Effective date.

"(B)(i) The election and reduction shall take effect the first day of the first month beginning 9 months after the date of marriage and shall prospectively void any election previously made under paragraph (1) of this subsection.

"(ii) Within 2 years after the date of marriage, the retired employee or Member (other than an employee or Member who made a previous election under paragraph (1) of this subsection) shall deposit in the Fund an amount determined by the Office of Personnel Management, as nearly as may be administratively feasible, to reflect the amount by which the retired employee or Member's annuity would have been reduced under subsection (j)(4) of this section since the commencing date of the annuity, if the employee or Member had been married at the time of retirement and had elected to provide a survivor annuity at that time, plus interest. For the purposes of the preceding sentence, the annual rate of interest for each year during which the annuity would have been reduced if the election had been in effect since the date of the annuity commenced shall be 6 percent.

98 STAT. 3199

"(C) If the employee or Member does not make such deposit, the Office shall collect such amount by offset against the employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset.";

(4) in section 8341— 5 USC 8341.

(A) in paragraphs (1)(A) and (2)(A) of subsection (a), by striking out "1 year" and inserting in lieu thereof "9 months";

(B) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a widow or widower, the widow or widower is entitled to an annuity equal to 55 percent (or 50 percent if retired before October 11, 1962) of an annuity computed under section 8339(a)-(i) and (n) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(j)(1) of this title, unless the right to a survivor annuity was waived under such section 8339(j)(1) or, in the case of remarriage, the employee or Member did not file an election under section 8339(j)(5)(C) or section 8339(k)(2) of this title, as the case may be.";

5 USC 8339.

Ante, p. 3195.

Ante, p. 3195.

(ii) in the second and third sentences of paragraph (3) by striking out "spouse, widow," each place it appears and inserting in lieu thereof "widow";

(iii) by striking out "60 years of age" at the end of paragraph (3) and inserting in lieu thereof "55 years of age"; and

(iv) by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the preceding provisions of this subsection, the annuity payable under this subsection to the widow or widower of a retired employee or Member may not exceed the difference between—

"(A) the amount which would otherwise be payable to such widow or widower under this subsection (determined without regard to any waiver or designation under section 8339(j)(1) of this title or a prior similar provision of law), and

"(B) the amount of the survivor annuity payable to any former spouse of such employee or Member under subsection (h) of this section.";

(C) in subsection (d)—

(i) by inserting after the first sentence the following: "Notwithstanding the preceding sentence, the annuity payable under this subsection to the widow or widower of an employee or Member may not exceed the difference between—

"(A) the amount which would otherwise be payable to such widow or widower under this subsection, and

"(B) the amount of the survivor annuity payable to any former spouse of such employee or Member under subsection (h) of this section."; and

(ii) in the last sentence, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by striking out "60 years of age" and inserting in lieu thereof "55 years of age";

98 STAT. 3200

(D) in subsection (e)—

(i) in paragraph (1), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the employee or Member" after "survived by a spouse" each place it appears; and

(ii) by amending the last sentence of paragraph (2) to read as follows: "On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the employee or Member.";

(E) in subsection (f) by inserting after paragraph (2) the following:

"Notwithstanding the preceding sentence, an annuity payable under this subsection to the surviving spouse of a Member may not exceed the difference between—

"(A) the annuity which would otherwise be payable to such surviving spouse under this subsection, and

"(B) the amount of the survivor annuity payable to any former spouse of such Member under subsection (h) of this section."; and

(F) in subsection (g) by striking out "60 years of age" and inserting in lieu thereof "55 years of age"; and

(G) by adding at the end thereof the following new subsections:

"(h)(1) Subject to paragraphs (2) through (5) of this subsection, a former spouse of a deceased employee, Member, or annuitant is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

Ante, p. 3195.

"(2)(A) The annuity payable to a former spouse under this subsection may not exceed the difference between—

"(i) the amount applicable in the case of such former spouse, as determined under subparagraph (B) of this paragraph, and

"(ii) the amount of any annuity payable under this subsection to any other former spouse of the employee, Member, or annuitant, based on an election previously made under section 8339(j)(3) of this title, or a court order previously issued.

"(B) The applicable amount, for purposes of subparagraph (A)(i) of this paragraph in the case of a former spouse, is the amount which would be applicable—

"(i) under subsection (b)(4)(A) of this section in the case of a widow or widower, if the deceased was an employee or Member who died after retirement;

"(ii) under subparagraph (A) of subsection (d) of this section in the case of a widow or widower, if the deceased was an employee or Member described in the first sentence of such subsection; or

"(iii) under subparagraph (A) of subsection (f) of this section in the case of a surviving spouse, if the deceased was a Member described in the first sentence of such subsection.

Effective dates.
Termination dates.

98 STAT. 3201

"(3) The commencement and termination of an annuity payable under this subsection shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be, except that any such annuity—

"(A) shall not commence before—

"(i) the day after the employee, Member, or annuitant dies, or

"(ii) the first day of the second month beginning after the date on which the Office receives written notice of the order, decree, agreement, or election, as the case may be, together with such additional information or documentation as the Office may prescribe,

whichever is later, and

"(B) shall terminate—

"(i) in the case of an annuity computed by reference to clause (i) or (ii) of paragraph (2)(B) of this subsection, no later than the last day of the month before the former spouse remarries before becoming 55 years of age or dies; or

"(ii) in the case of an annuity computed by reference to clause (iii) of such paragraph, no later than the last day of the month before the former spouse remarries or dies.

"(4) For purposes of this subchapter, a modification in a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective—

"(A) if such modification is made after the retirement of the employee or Member concerned, and

"(B) to the extent that such modification involves an annuity under this subsection.

"(5) For purposes of this subchapter, a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective, in the case of a former spouse, to the extent that it is inconsistent with any joint designation or waiver previously executed with respect to such former spouse under section 8339(j)(1) of this title or a similar prior provision of law.

Ante, p. 3195.

"(6) Any payment under this subsection to a person bars recovery by any other person.

"(7) As used in this subsection, 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

"(i) The requirement in subsections (a)(1)(A) and (a)(2)(A) of this section that the surviving spouse of an employee or Member have been married to such employee or Member for at least 9 months immediately before the employee or Member's death in order to qualify as the widow or widower of such employee or Member shall be deemed satisfied in any case in which the employee or Member dies within the applicable 9-month period, if—

"(1) the death of the employee or Member was accidental; or

"(2) the surviving spouse of such individual had been previously married to the individual and subsequently divorced, and the aggregate time married is at least 9 months.";

(5) in section 8342(a)—

5 USC 8342.

(A) by striking out "An" and inserting in lieu thereof "Subject to subsection (j) of this section, an"; and

(B) by adding at the end thereof the following new subsection:

"(j)(1) Payment of the lump-sum credit under subsection (a) of this section—

98 STAT. 3202

"(A) may be made only if any current spouse and any former spouse of the employee or Member are notified of the employee or Member's application; and

"(B) in any case in which there is a former spouse, shall be subject to the terms of a court order or decree issued with respect to such former spouse if—

"(i) the order or decree expressly relates to any portion of the lump-sum credit involved, and

"(ii) payment of the lump-sum credit would extinguish entitlement of the former spouse to a survivor annuity under section 8341(h) of this title or to any portion of an annuity under section 8345(j) of this title.

Ante, p. 3199.
Infra.

Regulations.

"(2)(A) Notification of a spouse or former spouse under this subsection shall be made in accordance with such requirements as the Office shall by regulation prescribe.

Waiver.

"(B) Under the regulations, the Office may provide that paragraph (1)(A) of this subsection may be waived with respect to a spouse or former spouse if the employee or Member establishes to the satisfaction of the Office that the whereabouts of such spouse or former spouse cannot be determined.

Regulations.

"(3) The Office shall prescribe regulations under which this subsection shall be applied in any case in which the Office receives two or more such orders or decrees.";

5 USC 8345.

(6) in section 8345—

(A) in subsection (f) by adding at the end thereof the following new paragraph:

"(4) The provisions of this subsection shall not apply—

"(A) to any survivor annuity payable under subsection (h) of section 8341 of this title; or

"(B) to any survivor annuity payable under subsection (b), (d), or (f) of such section which is reduced on account of any survivor annuity referred to in subparagraph (A) of this paragraph."; and

(B) in subsection (j)(3) by striking out "or the District of Columbia" and inserting in lieu thereof the following: ", the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court"; and

5 USC 8348.

(7) in section 8348(a)(1)(B) by striking out "this title" and inserting in lieu thereof "this title, in administering survivor annuities and elections providing therefor under sections 8339 and 8341 of this title,".

SEC. 3. Chapter 89 of title 5, United States Code, is amended—

5 USC 8901.

(1) in section 8901—

(A) by striking out "and" at the end of paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(10) 'former spouse' means a former spouse of an employee, former employee, or annuitant—

"(A) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved,

98 STAT. 3203

"(B) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the dissolution of the marriage to the employee, former employee, or annuitant, and

Ante, p. 3202.
Ante, p. 3199.

"(C)(i) who is receiving any portion of an annuity under section 8345(j) of this title or a survivor annuity under section 8341(h) of this title (or benefits similar to either of the aforementioned annuity benefits under a retirement system for Government employees other than the Civil Service Retirement System),

Ante, p. 3195.

"(ii) as to whom a court order or decree referred to in section 8341(h) or 8345(j) of this title (or similar provision of law under any such retirement system other than the Civil Service Retirement System) has been issued, or for whom an election has been made under section 8339(j)(3) of this title (or similar provision of law), or

"(iii) who is otherwise entitled to an annuity or any portion of an annuity as a former spouse under a retirement system for Government employees,

except that such term shall not include any such unremarried former spouse of a former employee whose marriage was dissolved after the former employee's separation from the service (other than by retirement).";

5 USC 8902.

(2) in section 8902—

(A) in subsection (g) by striking out "employee or annuitant" each place it appears and inserting in lieu thereof "employee, annuitant, family member, or former spouse"; and

(B) in subsections (j) and (k) by striking out "or family member" and inserting in lieu thereof "family member, or former spouse";

5 USC 8903.

(3) in section 8903(1)—

(A) by striking out "employees or annuitants, or members of their families" and inserting in lieu thereof "employees, annuitants, members of their families, or former spouses"; and

(B) by striking out "employee or annuitant or member of his family" and inserting in lieu thereof "employee, annuitant, family member, or former spouse";

5 USC 8905.

(4) in section 8905—

(A) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and inserting after subsection (b) the following new subsection:

Health.

"(c)(1) A former spouse may—

"(A) within 60 days after the dissolution of the marriage, or

"(B) in the case of a former spouse of a former employee whose marriage was dissolved after the employee's retirement, within 60 days after the dissolution of the marriage or, if later, within 60 days after an election is made under section 8339(j)(3) of this title for such former spouse by the retired employee, enroll in an approved health benefits plan described by section 8903 of this title as an individual or for self and family as provided in paragraph (2) of this subsection, subject to agreement to pay the full subscription charge of the enrollment, including the amounts determined by the Office to be necessary for administration and reserves pursuant to section 8909(b) of this title. The former spouse shall submit an enrollment application and make premium payments to the agency which, at the time of divorce or annulment, employed the employee to whom the former spouse was married or, in the case of a former spouse who is receiving annuity payments under section 8341(h) or 8345(j) of this title, to the Office of Personnel Management.

Ante, p. 3195.

5 USC 8903.

Post, p. 3204.

98 STAT. 3204

Ante, pp. 3199, 3202.

"(2) Coverage for self and family under this subsection shall be limited to—

"(A) the former spouse; and

"(B) unmarried dependent natural or adopted children of the former spouse and the employee who are—

"(i) under 22 years of age; or

"(ii) incapable of self-support because of mental or physical disability which existed before age 22."; and

(B) in subsections (e) and (f), as so designated by subparagraph (A) of this paragraph, by striking out "An employee or annuitant" and inserting in lieu thereof "An employee, annuitant, or former spouse";

(5) in section 8907—

5 USC 8907.

(A) in subsection (a) by striking out "employee" each place it appears and inserting in lieu thereof "individual";

(B) in subsection (b)—

(i) by striking out "employee enrolled" and inserting in lieu thereof "enrollee";

(ii) in paragraph (1) by striking out "employee or the employee and members of his family" and inserting in lieu thereof "enrollee or the enrollee and any eligible family members"; and

(iii) in paragraph (3) by striking out "the employee or members of his family" and inserting in lieu thereof "the enrollee and any eligible family members"; and

(C) by amending the section heading to read as follows:

"§ 8907. Information to individuals eligible to enroll";

(6) in section 8909—

5 USC 8909.

(A) in subsections (a) and (b) by striking out "employees, annuitants," and inserting in lieu thereof "enrollees"; and

(B) in subsection (d) by striking out "Each employee or annuitant" and inserting in lieu thereof "Each employee, annuitant, or former spouse";

(7) in section 8913(c)—

5 USC 8913.

(A) in the first sentence by striking out "employees and annuitants and members of their families" and inserting in lieu thereof "employees, annuitants, members of their families, and former spouses"; and

(B) in the second sentence by inserting "or former spouse" after "in which an annuitant"; and

(8) in the chapter analysis, by striking out the item relating to section 8907 and inserting in lieu thereof the following:

"8907. Information to individuals eligible to enroll.".

Effective dates.
5 USC 8341 note.

SEC. 4. (a)(1) Except as provided in subsections (b) and (c), the amendments made by section 2 of this Act shall take effect one hundred and eighty days after the date of enactment of this Act and shall apply to any individual who, on or after such effective date, is married to an employee or Member who, on or after such effective

5 USC 8331.

date, retires, dies, or applies for a refund of contributions under subchapter III of chapter 83 of title 5, United States Code.

98 STAT. 3205

(2) Except as provided in subsection (f), the amendments made by section 3 of this Act shall take effect one hundred and eighty days after the date of enactment of this Act and shall apply to any individual who, on or after such effective date, is married to an employee or annuitant.

Ante, p. 3199

(b)(1) Notwithstanding subsection (a)(1) of this section, a former spouse of an employee or Member who retired before the one hundred and eightieth day after the date of enactment of this Act is entitled to a survivor annuity under section 8341(b) of title 5, United States Code, as amended by this Act, if—

Ante, p. 3195.

(A) the retired employee or Member elects, in writing, within eighteen months after the date of enactment of this Act, according to procedures prescribed by the Office of Personnel Management, to have the annuity of such employee or Member reduced under section 8339(j) of title 5, United States Code, as amended by this Act, and, except as provided in paragraph (3) of this subsection, to deposit in the Civil Service Retirement and Disability Fund an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which such employee or Member's annuity would have been reduced had the reduction been in effect since such employee or Member's annuity commenced, plus interest computed at the annual rate of six percent for each year during which the annuity would have been reduced if the election had been in effect on and after the date the annuity commenced; or

(B) where the retired employee or Member dies or died on or before the one hundred and eightieth day after the date of enactment of this Act or does not make the election described in subparagraph (A)—

(i) the former spouse's marriage to the employee or Member was dissolved after September 14, 1978;

(ii) the former spouse was married to the employee or Member for at least ten years during periods of creditable service under section 8332 of title 5, United States Code;

42 USC 201.
Ante, p. 3202.

(iii) the former spouse is not entitled to any other retirement or survivor annuity (other than benefits under title II of the Social Security Act or under section 8345(j) of title 5, United States Code, as amended by this Act) based on any previous employment of the former spouse or of the employee or Member;

(iv) the former spouse has not remarried before age fifty-five after September 14, 1978;

(v) the former spouse files an application for the survivor annuity with the Office within thirty months after the date of enactment of this Act; and

(vi) the former spouse is at least fifty years of age at the time of filing such application.

Commencement date.

A survivor annuity under subparagraph (B) shall commence on the day after the employee or Member dies or the first day of the second month after the former spouse's application is received by the Office, whichever occurs later.

(2) Except as provided in paragraph (3), if a retired employee or Member who makes an election under subparagraph (A) of paragraph (1) does not make the deposit required by such subparagraph, the Office shall collect the amount of the deposit by offset against the employee or Member's annuity, up to a maximum of 25 per centum of the net annuity otherwise payable to the employee or Member, and the employee or Member is deemed to consent to such offset.

98 STAT. 3206

Ante, p. 3195.

(3) An election made by an individual under subparagraph (A) of paragraph (1) of this subsection to provide a survivor annuity for any person prospectively voids any election previously made by such individual with respect to such person under section 8339(k)(1) of title 5, United States Code, as amended by this Act, or any similar prior provision of law. Notwithstanding the provisions of such sub-

paragraph (A), an individual who made such an election under such section 8339(k)(1) (or prior provision) shall not be required to make the deposit described in such subparagraph.

(4) A survivor annuity provided under this subsection shall be 55 per centum of the annuity of the retired employee or Member, as determined under section 8339(a)-(i) and (n) of title 5, United States Code, increased by—

(A) the total percent increase the retired employee or Member was receiving under section 8340 of such title at death, or

5 USC 8340.

(B) in the case of a retired employee or Member whose date of death precedes the one hundred and eightieth day after the date of enactment of this Act, the total percent increase the retired employee or Member would have received under such section 8340 had such individual died on the one hundred and eightieth day after such date of enactment,

and shall not be subject to reduction under section 8341(b)(4) of such title, as amended by this Act.

Ante, p. 3199.

(c) Notwithstanding subsection (a)(1) of this section, an employee or Member who retired before the one hundred and eightieth day after the date of enactment of this Act and who is married to a spouse acquired after retirement for whom such employee or Member was unable to provide a survivor annuity because—

(1) the employee or Member was married at the time of retirement and elected not to provide a survivor annuity for the employee or Member's spouse at the time of retirement, or

(2) the employee or Member failed to notify the Office of the employee or Member's post-retirement marriage within one year after the marriage,

may elect in writing, within one year after the date of enactment of this Act, in accordance with procedures prescribed by the Office, to provide for a survivor annuity for such spouse under section 8341(b) of title 5, United States Code, as amended by this Act, to have the retired employee or Member's annuity reduced under section 8339(j) of such title, as so amended, and to deposit in the Civil Service Retirement and Disability Fund an amount determined by the Office, as nearly as may be administratively feasible, to reflect the amount by which such employee or Member's annuity would have been reduced had the election been continuously in effect since the annuity commenced, plus interest. For the purposes of the preceding sentence, the annual rate of interest for each year during which the annuity would have been reduced if the election had been in effect on and after the date the annuity commenced shall be 6 percent. If the retired employee or Member does not make such deposit, the Office shall collect such amount by offset against such employee or Member's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to such employee or Member, and such employee or Member is deemed to consent to such offset. The Office shall provide for general public notice of the right to make an election under this subsection. In cases to which paragraph (2) of this subsection applies, the retired employee or Member shall provide the Office with such documentation as the Office shall decide is appropriate, that such employee or Member attempted to elect a reduced annuity with survivor benefit for such employee or Member's current spouse and that such employee or Member's election was rejected by the Office because it was untimely filed.

Ante, p. 3195.

Public notice.

98 STAT. 3207

(d) A deposit required by subsection (b)(1)(A) or (c) of this section may be made by the surviving former spouse or spouse, as applicable, of the retired employee or Member.

(e) The Office shall determine at the end of each fiscal year—

(1) the cost of survivor annuities provided under subsections (b) and (c) of this section, less an amount determined appropriate by the Office to reflect the value of any deposits made under subsection (b)(1)(A), (c), or (d), and

(2) the cost of administering subsections (b) and (c).

The Office shall notify the Secretary of the Treasury of the amounts so determined. The Secretary of the Treasury, before closing the account for the fiscal year in question, shall credit to the Civil Service Retirement and Disability Fund, out of any money in the Treasury not otherwise appropriated, such amounts, which shall be available in the same manner as provided under subparagraphs (A) and (B) of section 8348(a)(1) of title 5, United States Code, as amended by this Act.

Ante, p. 3202.

(f) An individual who is entitled to a survivor annuity under subsection (b) of this section is deemed to be in receipt of annuity payments under section 8341(h) of title 5, United States Code, as amended by this Act, for the purpose of chapter 89 of such title, as so amended. Notwithstanding subsection (a)(2) of this section, any such individual who otherwise meets the definition of a former spouse under section 8901 of title 5, United States Code, as so amended, may enroll in an approved health benefits plan described by section 8903 of such title, under the conditions set forth in section 8905(c) of such title, as so amended.

Ante, p. 3199.
Ante, p. 3202.
5 USC 8901 *et seq*.

(g)(1) For purposes of subsections (a) (1), (b), (c), (d), and (e), "employee", "Member", and "former spouse" each has the meaning given that term under section 8331 of title 5, United States Code, as amended by this Act.

Ante, p. 3195.

(2) For purposes of subsection (a)(2), "employee" and "annuitant" each has the meaning given that term under section 8901 of title 5, United States Code.

Ante, p. 3202.
22 USC 4067.
50 USC 403 note.

(h) Section 827 of the Foreign Service Act of 1980 and section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees shall not apply with respect to either the amendments made by section 2 or the preceding provisions of this section.

TITLE II—PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

ESTABLISHMENT OF PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

SEC. 201. (a) Chapter 54 of title 5, United States Code, is amended to read as follows:

"CHAPTER 54—PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

"Sec.
"5401. Purpose.
"5402. Coverage.
"5403. General pay increases.
"5404. Merit increases.
"5405. Pay administration.
"5406. Performance awards.
"5407. Cash award program.
"5408. Report.
"5409. Regulations.
"5410. Termination.

5 USC 5401.

"§ 5401. Purpose

"It is the purpose of this chapter to provide for a performance management and recognition system which shall—

"(1) use performance appraisals as the basis for (a) determining adjustments in basic pay by general pay increases and merit increases, and (b) making performance award determinations;

"(2) within available funds, recognize and reward quality performance by varying amounts of performance and cash awards;

"(3) within available funds, provide for training to improve accuracy, objectivity, and fairness in the evaluation of performance;

"(4) regulate the costs of performance awards by establishing funding level requirements; and

"(5) provide the means to reduce or withhold certain pay increases for less than fully successful performance.

"§ 5402. Coverage

5 USC 5402.

"(a) Except as provided in subsection (b) or (c) of this section, this chapter shall apply to any supervisor or management official (as defined in paragraphs (10) and (11) of section 7103(a) of this title, respectively) who is in a position within grade GS-13, GS-14, or GS-15 of the General Schedule described in section 5104 of this title.

5 USC 7103.

5 USC 5104, 5332.

Exclusions.

"(b)(1) Upon request filed under paragraph (3) of this subsection, the President may, in writing, exclude an agency, any unit of an agency, or any class of employees within any such unit, from the application of this chapter, if the President considers such exclusion to be required as a result of conditions arising from—

"(A) the recent establishment of the agency, unit, or class, or the implementation of a new program;

"(B) an emergency situation; or

"(C) any other situation or circumstance.

Effective date.
President of U.S.
Report.

"(2) Any exclusion under this subsection shall not take effect earlier than 30 calendar days after the President transmits to each House of the Congress a report describing the agency, unit, or class to be excluded and the reasons therefor.

"(3) A request for exclusion of an agency, any unit of an agency, or any class of employees within any such unit, under this subsection shall be filed by the head of the agency with the Office of Personnel Management, and shall set forth reasons why the agency, unit, or class should be excluded from the application of this chapter. The Office shall review the request and reasons therefor, undertake such other review as it considers appropriate to determine whether the agency, unit, or class should be excluded from the application of this chapter and, upon completion of its review, recommend to the President whether the agency, unit, or class should be so excluded.

98 STAT. 3209

"(4) Any agency, unit, or class which is excluded pursuant to this subsection shall, insofar as practicable, make a sustained effort to eliminate the conditions on which the exclusion is based.

Revocation.

"(5) The Office shall periodically review any exclusion from coverage and may at any time recommend to the President that an exclusion under this subsection be revoked. The President may at any time revoke, in writing, any exclusion under this subsection.

Regulations.

"(6) The Office shall prescribe regulations under which an employee may be excluded from the application of this chapter other than as part of an agency, unit, or class so excluded under the preceding paragraphs of this subsection. To the extent practicable, the regulations shall be based on the provisions of such paragraphs.

"(c) This chapter shall not apply to individuals employed under the Office of the Architect of the Capitol, the Library of Congress, the Botanic Garden, or the Administrative Office of the United States Courts.

"§ 5403. General pay increases

5 USC 5403.

"(a) For purposes of this section, a pay adjustment period, in the case of an employee covered by this chapter, shall be the period beginning on the first day of the first pay period applicable to such employee commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title and ending at the close of the day before the beginning of the following pay adjustment period.

5 USC 5305.

"(b) A determination concerning a general pay increase under this section shall, for any pay adjustment period, be made based on the level of performance of the employee involved, as determined for the latest appraisal period under section 4302a of this title (or an equivalent rating system) before the beginning of such pay adjustment period.

Post, p. 3214.

"(c) Subject to section 5405(a)(1)(A) of this title, if the employee's performance is rated—

Post, p. 3211.

"(1) at the fully successful level or either of the 2 levels above the fully successful level, the rate of basic pay of the employee shall be increased by the full general pay increase, effective as of the beginning of the pay adjustment period;

"(2) at the level 1 level below the fully successful level, the rate of basic pay of the employee shall be increased by one-half of the full general pay increase, effective as of the beginning of the pay adjustment period; or

"(3) at the level 2 levels below the fully successful level, the rate of basic pay of the employee shall not be increased under this section.

5 USC 5305.

"(d) A full general pay increase for any pay adjustment period under this section shall be determined by multiplying the rate of basic pay of the employee involved on the day immediately preceding the pay adjustment period by the percentage corresponding to the percentage generally applicable under section 5305 of this title to positions not covered by this chapter which are in the same grade as the position held by such employee.

Regulations.
Post, p. 3214.

98 STAT. 3210

"(e)(1) The basic pay of an employee for whom a determination under section 4302a of this title (or an equivalent rating system) for the latest appraisal period is not available shall be adjusted under this subsection in such circumstances as the Office of Personnel Management shall by regulation prescribe.

"(2) Any adjustment made under this subsection shall be equal to an adjustment under subsection (c)(1) of this section.

5 USC 5404.

"§ 5404. Merit increases

"(a) For purposes of this section—

"(1) the term 'applicable reference rate', as used with respect to the rate of basic pay of an employee, means the rate equal to the sum of—

5 USC 5332.

"(A) the minimum rate of basic pay provided under section 5332 of this title for the grade of the position held by such employee; and

"(B) one-third of the difference between the maximum rate of basic pay provided for such grade under such section and the minimum rate of basic pay so provided;

"(2) the term 'merit increase' means, with respect to a grade, an increase equal to one-ninth of the difference between the maximum rate of basic pay provided for such grade under section 5332 of this title and the minimum rate of basic pay so provided; and

"(3) a reference to the performance rating of an employee shall, for purposes of any increase which may take effect under this section in a year, be considered to be a reference to the level of performance of such employee, as determined for the latest appraisal period under section 4302a of this title (or an equivalent rating system) before the effective date of such increase.

Post, p. 3214.
Effective date.
Post, p. 3211.

"(b) Subject to section 5405(a)(1)(A) of this title, under regulations prescribed by the Office of Personnel Management, the rate of basic pay of an employee covered by this chapter shall be increased each year in accordance with the applicable provisions of subsection (c) of this section, effective as of the beginning of the first applicable pay period commencing on or after October 1 of such year.

"(c)(1)(A) If the rate of basic pay of the employee does not equal or exceed the applicable reference rate on the day before the effective date of an increase under this section, and the performance of such employee is rated at the fully successful level or either of the 2 levels above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to a merit increase.

"(B) If the rate of basic pay of the employee equals or exceeds the applicable reference rate on the day before the effective date of an increase under this section, and the performance of such employee is rated—

"(i) at the level 2 levels above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to a merit increase;

"(ii) at the level 1 level above the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to one-half of a merit increase; or

"(iii) at the fully successful level, the rate of basic pay of the employee shall be increased by an amount equivalent to one-third of a merit increase.

"(2) The rate of basic pay of an employee whose performance is rated at either of the 2 levels below the fully successful level shall not be increased under this section for the year involved.

"(d) The Office of Personnel Management shall prescribe regulations under which this section shall be applied in the case of an employee for whom a determination under section 4302a of this title (or an equivalent rating system) for the latest appraisal period is not available.

Regulations.

Post, p. 3214.

"§ 5405. Pay administration

5 USC 5405.

"(a)(1) An employee covered by this chapter—

"(A) may not be paid at a rate greater than the maximum rate of basic pay for the grade of the employee's position, as set forth in section 5332 of this title; and

5 USC 5332.

"(B) except as provided in paragraph (2) of this subsection, may not be paid at a rate less than the minimum rate of basic pay for such grade, as set forth in section 5332 of this title.

"(2) An employee may be paid at a rate less than the minimum rate of basic pay for the grade of such employee's position to the extent that payment of the lesser rate is the result of the employee having received less than a full general pay increase under section 5403 of this title.

"(b) Any employee whose position is brought under this chapter shall, so long as the employee continues to occupy the position, be entitled to receive basic pay at a rate of basic pay not less than the rate the employee was receiving when the position was brought under this chapter, plus any subsequent increases under sections 5403 and 5404 of this title.

"(c) The Office of Personnel Management shall prescribe regulations governing the method by which an increase under section 5403 of this title and an increase under section 5404 of this title shall be made in any case in which both of those increases are to take effect beginning on the same date.

Regulations.
Effective dates.
Ante, pp. 3209, 3210.

"(d) Under regulations which the Office shall prescribe, the benefit of advancement through the range of basic pay for a grade shall be preserved for any employee who is covered by this chapter and whose continuous service is interrupted in the public interest by service in the Armed Forces, or by service in essential non-Government civilian employment during a period of war or national emergency.

"(e) For the purpose of section 5941 of this title, rates of basic pay of employees covered by this chapter shall be considered rates of basic pay fixed by statute.

5 USC 5941.

"(f) In the case of an employee covered by this chapter for whose position a higher rate of basic pay has been established under section 5303 of this title, any reference in this chapter to a rate of basic pay provided under or set forth in section 5332 of this title shall be deemed to be a reference to the corresponding rate of basic pay established under such section 5303.

"§ 5406. Performance awards

5 USC 5406.

"(a)(1) Any employee who is covered by this chapter, and whose performance for an appraisal period is rated under section 4302a of this title (or an equivalent rating system) at the level 2 levels above

Post, p. 3214.

the fully successful level, shall be paid a performance award under this section for such period.

Effective date.

"(2)(A) The amount of a performance award referred to in paragraph (1) of this subsection shall be determined by the appropriate agency head, except that any such award shall be not more than 10 percent of the employee's annual rate of basic pay and, effective after fiscal year 1985, shall be not less than 2 percent of such annual rate.

98 STAT. 3212

"(B) Notwithstanding subparagraph (A) of this paragraph, a performance award exceeding 10 percent but not exceeding 20 percent of the employee's annual rate of basic pay may be paid if the agency head determines that such award is warranted by unusually outstanding performance.

"(b)(1) Any employee who is covered by this chapter, and whose performance for an appraisal period is rated under section 4302a of this title (or an equivalent rating system) at the level 1 level above the fully successful level or at the fully successful level, may be paid a performance award under this section for such period.

Post, p. 3214.

"(2) The amount of a performance award referred to in paragraph (1) of this subsection shall be determined by the appropriate agency head, except that any such award shall be not more than 10 percent of the employee's annual rate of basic pay.

"(c)(1) Subject to subsections (a)(2) and (b)(2) of this section, the aggregate amount of performance awards paid under this section by an agency during any fiscal year shall be—

"(A) not less than the product of—

"(i) the applicable minimum percentage for such year under paragraph (2) of this subsection, multiplied by

"(ii) an estimated aggregate amount of basic pay which will be payable to employees of the agency covered by the performance management and recognition system during such year, as determined by the head of the agency, taking into consideration the number of employees who were covered by such system during the preceding fiscal year (or by the merit pay system in the case of fiscal year 1984) and the applicable rates of basic pay in such preceding year; and

"(B) not more than the product of—

"(i) the applicable maximum percentage for such year under paragraph (2) of this subsection, multiplied by

"(ii) the amount under subparagraph (A)(ii) of this paragraph for such year.

Regulations.

"(2)(A)(i) The applicable minimum percentage—

"(I) shall be 0.75 percent for fiscal year 1985;

"(II) shall, for each of the 4 fiscal years thereafter, be adjusted incrementally (by equal increments or otherwise) over the percentage for the preceding fiscal year by the appropriate agency head in accordance with regulations which the Office of Personnel Management shall prescribe; and

"(III) shall, as a result of the final adjustment, be increased to 1.15 percent for fiscal year 1989.

"(ii) The applicable maximum percentage for each of the 5 fiscal years during which this chapter is in effect shall be 1.5 percent.

"(B)(i) Notwithstanding subparagraph (A) of this paragraph, in the case of an agency described in clause (ii) of this subparagraph the applicable minimum percentage for any fiscal year during which this chapter is in effect shall be a percentage, not less than the minimum percentage described in subsection (2)(A)(i) and not to exceed 10 percent, which the Office shall by regulation prescribe.

"(ii) This subparagraph applies to an agency in a fiscal year if the average number of employees employed under such agency during the immediately preceding fiscal year was equal to or less than the equivalent of 20 full-time employees.".

"(d) A failure to pay a performance award authorized by subsection (b) of this section may not be appealed.

98 STAT. 3213

"(e) A performance award paid to an employee under this section shall be in addition to the basic pay of the employee and any cash award paid under section 5407 of this title.

Infra.

5 USC 5407.

"§ 5407. Cash award program

"(a) The head of an agency may pay a cash award to, and incur necessary expenses for the honorary recognition of, any employee who is covered by this chapter, and who—

"(1) by the employee's suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations, or achieves a significant reduction in paperwork; or

"(2) performs a special act or service in the public interest in connection with or related to the employee's Federal employment.

"(b) The President may pay a cash award to, and incur necessary expenses for the honorary recognition of, any employee who is covered by this chapter, and who—

"(1) by the employee's suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations, or achieves a significant reduction in paperwork; or

"(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to the employee's Federal employment.

A Presidential cash award may be in addition to an agency cash award under subsection (a) of this section.

Claims.
Ante, p. 3211.

"(c) A cash award paid to an employee under this section shall be in addition to the basic pay of the employee and any performance award paid under section 5406 of this title. Acceptance of a cash award under this section constitutes an agreement that the use by the Government of any idea, method, or device for which the award is made does not form the basis of any claim of any nature against the Government by the employee accepting the award, or the employee's heirs or assigns.

President of U.S.

"(d) A cash award to, and expenses for the honorary recognition of, any employee who is covered by this chapter may be paid from the fund or appropriation available to the activity primarily benefiting, or the various activities benefiting, from the suggestion, invention, superior accomplishment, or other meritorious effort of the employee. The head of the agency concerned shall determine the amount to be contributed by each activity to any agency cash award under subsection (a) of this section. The President shall determine the amount to be contributed by each activity to a Presidential award under subsection (b) of this section.

"(e)(1) Except as provided in paragraph (2) of this subsection, a cash award under this section may not exceed $10,000.

"(2) If the head of an agency certifies to the Office of Personnel Management that the suggestion, invention, superior accomplishment or other meritorious effort of an employee for which a cash award is proposed is highly exceptional and unusually outstanding, a cash award in excess of $10,000 but not in excess of $25,000 may be awarded to the employee on the approval of the Office.

"(f) The President or the head of an agency may pay a cash award under this section notwithstanding the death or separation from the service of an employee, if the suggestion, invention, superior accomplishment, or other meritorious effort of the employee for which the award is proposed was made or performed while the employee was covered by this chapter.

98 STAT. 3214

5 USC 5408.

"§ 5408. Report

"The Office of Personnel Management shall submit an annual report to the President and each House of the Congress evaluating the effectiveness of the performance management and recognition system established by this chapter. Each such report shall be prepared after consultation with the respective heads of a sufficient range of agencies so as to permit an adequate basis for making a meaningful evaluation.

5 USC 5409.

"§ 5409. Regulations

"The Office of Personnel Management shall prescribe regulations to carry out this chapter.

5 USC 5410.

"§ 5410. Termination

"This chapter and any regulations prescribed under this chapter shall cease to be effective after September 30, 1989.".

(b) The table of chapters at the beginning of part III of title 5, United States Code, is amended by striking out the item relating to chapter 54 and inserting in lieu thereof the following:

"54. Performance Management and Recognition System .... 5401".

PERFORMANCE APPRAISAL SYSTEMS

SEC. 202. (a) Chapter 43 of title 5, United States Code, is amended by inserting after section 4302 the following new section:

5 USC 4302a.

"§ 4302a. Establishment of performance appraisal systems for performance management and recognition system employees

"(a) Each agency shall develop one or more performance appraisal systems for employees covered by chapter 54 of this title which— *Ante*, p. 3207.

"(1) provide for periodic appraisals of job performance of such employees;

"(2) require the joint participation of the supervising official and the employee in developing performance standards with authority for establishing standards resting with the supervising official; and

"(3) use the results of performance appraisals as a basis—

"(A) for adjusting the base pay and making performance award decisions with respect to any such employee in accordance with the applicable provisions of such chapter 54; and

"(B) for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing any such employee.

Regulations.

"(b) Under regulations which the Office of Personnel Management shall prescribe, each performance appraisal system under this section shall provide for—

"(1) five levels of summary performance ratings as follows:

"(A) two levels which are above the fully successful level;

"(B) a fully successful level; and

"(C) two levels which are below the fully successful level;

"(2) establishing, in writing, the critical elements of each employee's position and the performance standards for the fully successful level for each such element which will, to the maximum extent feasible, permit accurate evaluation of job performance on the basis of objective criteria related to the job in question;

98 STAT. 3215

"(3) communicating, at the beginning of each appraisal period and in writing, to each employee who is covered by chapter 54 of this title the performance standards and critical elements of the employee's position; *Ante*, p. 3207.

"(4) evaluating each such employee during the appraisal period on the basis of such standards;

"(5) assisting any such employee in improving performance rated at a level below the fully successful level; and

"(6) reassigning, reducing in grade, or removing any employee who continues to perform at the level which is 2 levels below the fully successful level, after such employee has been provided with written notice of such employee's rating and afforded reasonable opportunity to raise such employee's level of performance to the fully successful level or higher.

"(c)(1) Appraisals of performance under this section—

"(A) shall take into account individual performance and may take into account organizational accomplishment;

"(B) shall be based on factors such as—

"(i) any improvement in efficiency, productivity, and quality of work or service, including any significant reduction in paperwork;

"(ii) cost efficiency;

"(iii) timeliness of performance;

"(iv) other indications of the effectiveness, productivity, and quality of performance of the employees for whom the employee is responsible; and

"(v) meeting affirmative action goals and achievement of equal employment opportunity requirements;

"(C) may be reviewed by an employee of the agency in accordance with procedures established by the Office of Personnel Management;

"(D) shall, on request of the employee whose performance is appraised, by reconsidered by an employee of the agency in accordance with procedures established by the Office; and

"(E) may not be appealed outside the agency.

"(2) Reconsideration of an appraisal under paragraph (1)(D) of this subsection may be made only by an employee who is in a higher position in the agency than each employee who made, reviewed, or approved the appraisal.

Performance standards review boards, establishment.

"(d)(1) In order to promote the purposes of this section, there shall be established within each agency a performance standards review board (hereinafter in this subsection referred to as the 'board'), consisting of at least six members, all of whom shall be chosen by the agency head from individuals employed in or under such agency. Of the members, at least one-half shall be employees who are covered by chapter 54 of this title and who are in the competitive service. A board shall be chaired by the member of the board designated for that purpose by the agency head.

"(2) It shall be the function of each board—

"(A) to assess, by the use of representative sampling techniques, the appropriateness of performance standards developed and used by the agency under this section;

98 STAT. 3216

"(B) to study the feasibility of an awards program based on the collective performance of units or other groups of employees who are covered by chapter 54 of this title, and to submit as part of its annual report under paragraph (3) of this subsection recommendations for any actions which the board considers appropriate with respect to any such program; and

Ante, p. 3207.

"(C) to provide technical assistance with respect to any demonstration projects which may relate to performance standards of the agency under this section.

Report.

"(3) A board shall report to the head of the agency on its activities under this subsection annually.

"(e) In carrying out this section, neither the Office nor any other agency may prescribe a distribution of levels of performance ratings for employees covered by chapter 54 of this title.

"(f) The Office may not prescribe, or require an agency to prescribe, any specific performance standard or element for purposes of this section.

Expiration date.

"(g) This section and any regulations prescribed under this section shall cease to be effective as of the date on which chapter 54 of this title ceases to be effective.".

(b) The table of sections for chapter 43 of title 5, United States Code, is amended by inserting after the item relating to section 4302 the following new item:

"4302a. Establishment of performance appraisal systems for performance management and recognition system employees.".

MERIT INCREASES AS EQUIVALENT INCREASES IN PAY

SEC. 203. Section 5335 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

Ante, p. 3210.

"(f) Notwithstanding subsection (b) or (e) of this section, an increase in pay granted under section 5404 of this title is an equivalent increase in pay within the meaning of subsection (a) of this section and shall be taken into account in the case of any employee who, before becoming subject to this section, was granted such an increase while covered by the performance management and recognition system established under chapter 54 of this title.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 204. (a) Title 5, United States Code, is amended—

(1) in sections 4501(2)(A), 5332(a), 5334(c)(2), 5334(f), 5335(e), 5336(c), and 5362(c)(3), by striking out "the merit pay system established under section 5402" each place it appears and inserting in lieu thereof "the performance management and recognition system established under chapter 54";

(2) in section 5361(5), by striking out "merit pay system" and inserting in lieu thereof "performance management and recognition system"; and

(3) in section 5948(g)(1)(C), by striking out "Merit Pay System" and inserting "performance management and recognition system".

(b) Section 1602 of title 10, United States Code, and section 731(b) of title 31, United States Code, are each amended by striking out "5401(a)" and inserting in lieu thereof "5401".

EFFECTIVE DATE; TRANSITION PROVISIONS

5 USC 5401 note.

SEC. 205. (a) The amendments made by this title shall be effective as of October 1, 1984, and shall apply with respect to pay periods commencing on or after that date.

(b) The rate of basic pay for any individual serving in a position—

(1) which is in the merit pay system before the date on which the amendments made by this title take effect, but

(2) which does not become covered by the performance management and recognition system,

shall not be reduced on account of such position not becoming so covered.

(c) The rate of basic pay for any individual serving in a position which ceases to be covered by the performance management and recognition system as a result of the termination of such system under section 5410 of title 5, United States Code, as amended by this title, shall not be reduced on account of such termination.

Ante, p. 3214.
Exclusions.

(d)(1) Except as provided in paragraph (2), any agency or unit of an agency which, immediately before the date of enactment of this Act, was excluded from coverage under the merit pay system shall be excluded from coverage under the performance management and recognition system for the 12-month period beginning on such date of enactment.

(2) An exclusion under paragraph (1) may be revoked at any time in accordance with section 5402(b)(5) of title 5, United States Code, as amended by this Act.

Ante, p. 3208.

Continuation.

TITLE III—SENIOR EXECUTIVE SERVICE

CONGRESSIONAL FINDINGS

5 USC 3131 note.

SEC. 301. The Congress finds that the Senior Executive Service should be continued indefinitely.

PERFORMANCE AWARDS

SEC. 302. Subsection (b) of section 5384 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking out "exceed" and inserting in lieu thereof "be less than 5 percent nor more than"; and

(2) by amending paragraph (3) of such subsection to read as follows:

"(3) The aggregate amount of performance awards paid under this section by an agency during any fiscal year may not exceed the greater of—

"(A) an amount equal to 3 percent of the aggregate amount of basic pay paid to career appointees in such agency during the preceding fiscal year; or

"(B) an amount equal to 15 percent of the average of the annual rates of basic pay paid to career appointees in such agency during the preceding fiscal year.".

REDUCTIONS IN FORCE

SEC. 303. (a) Section 3593(c)(1)(B) of title 5, United States Code, is amended by inserting "before October 1, 1984," after "title".

(b) Section 3594(b) of such title is amended to read as follows: 5 USC 3594.

98 STAT. 3218

"(b) A career appointee who has completed the probationary period under section 3393(d) of this title, and who— 5 USC 3393.

"(1) is removed from the Senior Executive Service for less than fully successful executive performance as determined under subchapter II of chapter 43 of this title; or 5 USC 4311.

"(2) is removed from the Senior Executive Service under paragraph (4) or (5) of section 3595(b) of this title; *Infra.*

shall be entitled to be placed in a civil service position (other than a Senior Executive Service position) in any agency.".

(c) Section 3595(b) of such title is amended— 5 USC 3595.

(1) in paragraph (3)(B), by striking out "is entitled" and all that follows thereafter through "position." and inserting in lieu thereof "shall be placed by the Office in any agency in any vacant Senior Executive Service position unless the head of that agency determines that the career appointee is not qualified for that position."; and

(2) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) A career appointee who is not assigned under paragraph (3)(A) may be removed from the Senior Executive Service due to a reduction in force if the career appointee declines a reasonable offer for placement in a Senior Executive Service position under paragraph (3)(B).

"(5) A career appointee who is not assigned under paragraph (3)(A) may be removed from the Senior Executive Service due to a reduction in force if the career appointee is not placed in another Senior Executive Service position under paragraph (3)(B) within 45 days after the Office receives certification regarding that appointee under paragraph (3)(B).".

(d) Section 3595(c) of such title is amended to read as follows:

"(c) A career appointee is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title whether the reduction in force complies with the competitive procedures required under subsection (a).". 5 USC 7701.

DIRECTED REASSIGNMENT; TRANSFER OF FUNCTION

SEC. 304. (a) Section 3395(a)(2) of title 5, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B) of this paragraph, a career appointee may be reassigned to any Senior Executive Service position only if the career appointee receives written notice of the reassignment at least 15 days before the effective date of such reassignment.

"(B)(i) A career appointee may not be reassigned to a Senior Executive Service position outside the career appointee's commuting area unless—

"(I) before providing notice under subclause (II) of this clause (or seeking or obtaining the consent of the career appointee under clause (ii) of this subparagraph to waive such notice), the agency consults with the career appointee on the reasons for, and the appointee's preferences with respect to, the proposed reassignment; and

"(II) the career appointee receives written notice of the reassignment, including a statement of the reasons for the reassignment, at least 60 days before the effective date of the reassignment.

98 STAT. 3219

Waiver.

"(ii) Notice of reassignment under clause (i)(II) of this subparagraph may be waived with the written consent of the career appointee involved.".

5 USC 3595.

(b) Section 3595 of such title is amended by adding at the end thereof the following new subsection:

Regulations.

"(e) The Office shall prescribe regulations under which the rights accorded to a career appointee in the event of a transfer of function are comparable to the rights accorded to a competing employee under section 3503 of this title in the event of such a transfer.".

5 USC 3503.
5 USC 7543.

(c) Section 7543(a) of such title is amended by striking out "or malfeasance." and inserting in lieu thereof "malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.".

5 USC 8336.

(d) Section 8336(d) of such title is amended by inserting after the first sentence the following new sentence: "For purposes of paragraph (1) of this subsection, separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function shall not be considered to be a removal for cause on charges of misconduct or delinquency.".

PAY LIMITATION

SEC. 305. Section 5383(b) of title 5, United States Code, is amended to read as follows:

5 USC 4507,
5382, 5384, 5948.

"(b)(1) In no event may the aggregate amount paid to a senior executive during any fiscal year under sections 4507, 5382, 5384, and 5948 of this title exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(2)(A) Any amount which is not paid to a senior executive during a fiscal year because of the limitation under paragraph (1) of this subsection shall be paid to that individual in a lump sum at the beginning of the following fiscal year.

"(B) Any amount paid under this paragraph during a fiscal year shall be taken into account for purposes of applying the limitation under paragraph (1) of this subsection with respect to such fiscal year.

Regulations.
5 USC 5582.

"(C) The Office of Personnel Management shall prescribe regulations, consistent with section 5582 of this title, under which payment under this paragraph shall be made in the case of any individual whose death precludes payment under subparagraph (A) of this paragraph.".

MISCELLANEOUS SENIOR EXECUTIVE SERVICE AMENDMENTS

SEC. 306. (a) Section 3135(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) the number of career appointees who have been placed in positions outside the Senior Executive Service under section 3594 of this title as a result of a removal under section 3595 of this title; and".

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(b)(1) The first sentence of section 3393(b) of such title is amended by inserting before the period the following: "or commissioned officers of the uniformed services serving on active duty in such agency". 5 USC 3393.

(2) Section 4312(b)(3) of such title is amended by inserting ", or (with the consent of the senior executive) a commissioned officer in the uniformed services serving on active duty," after "employee", and by striking out "executive". 5 USC 4312.

(c)(1) Such title is amended by adding after section 3595 the following new section:

"§ 3595a. Furlough in the Senior Executive Service 5 USC 3595a.

"(a) For the purposes of this section, 'furlough' means the placement of a senior executive in a temporary status in which the senior executive has no duties and is not paid when the placement in such status is by reason of insufficient work or funds or for other nondisciplinary reasons.

"(b) An agency may furlough a career appointee only in accordance with regulations issued by the Office of Personnel Management.

"(c) A career appointee who is furloughed is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title.". Appeal. 5 USC 7701.

(2) The table of sections for chapter 35 of such title is amended by inserting after the item relating to section 3595 the following new item:

"3595a. Furlough in the Senior Executive Service.".

EFFECTIVE DATE

SEC. 307. The amendments made by this title shall be effective following the expiration of the 90-day period beginning on the date of enactment of this Act, except that the amendments made by section 304 shall be effective as of such date of enactment. 5 USC 3135 note.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 2300:

HOUSE REPORT No. 98-1054 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    Sept. 24, considered and passed House.
    Oct. 10, considered and passed Senate, amended; House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 45 (1984):
    Nov. 9, Presidential statement.

98 STAT. 3335

Public Law 98-620
98th Congress

An Act

Nov. 8, 1984
[H.R. 6163]

To amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Trademark Clarification Act of 1984.

TITLE I

SHORT TITLE

15 USC 1051 note.

SEC. 101. This title may be cited as the "Trademark Clarification Act of 1984".

AMENDMENT TO THE TRADEMARK ACT

SEC. 102. Section 14(c) of the Trademark Act of 1946, commonly known as the Lanham Trademark Act (15 U.S.C. 1064(c)) is amended by adding before the semicolon at the end of such section a period and the following: "A registered mark shall not be deemed to be the common descriptive name of goods or services solely because such mark is also used as a name of or to identify a unique product or service. The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the common descriptive name of goods or services in connection with which it has been used".

DEFINITIONS

SEC. 103. Section 45 of such Act (15 U.S.C. 1127) is amended as follows:

(1) Strike out "The term 'trade-mark' includes any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others." and insert in lieu thereof the following: "The term 'trademark' includes any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify and distinguish his goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.".

(2) Strike out "The term 'service mark' means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others." and insert in lieu thereof the following: "The term 'service mark' means a mark used in the sale or advertising of services to identify and distinguish the services of one person, including a unique service, from the services of others and to indicate the source of the services, even if that source is unknown.".

98 STAT. 3336

(3) Add at the end of subparagraph (b) in the paragraph which begins "A mark shall be deemed to be 'abandoned'", the following new sentence: "Purchaser motivation shall not be a test for determining abandonment under this subparagraph.".

JUDGMENTS

SEC. 104. Nothing in this title shall be construed to provide a basis for reopening of any final judgment entered prior to the date of enactment of this title.

TITLE II

State Justice Institute Act of 1984.

SHORT TITLE

SEC. 201. This title may be cited as the "State Justice Institute Act of 1984". 42 USC 10701 note.

DEFINITIONS

SEC. 202. As used in this title, the term— 42 USC 10701.

(1) "Board" means the Board of Directors of the Institute;

(2) "Director" means the Executive Director of the Institute;

(3) "Governor" means the Chief Executive Officer of a State;

(4) "Institute" means the State Justice Institute;

(5) "recipient" means any grantee, contractor, or recipient of financial assistance under this title;

(6) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(7) "Supreme Court" means the highest appellate court within a State unless, for the purposes of this title, a constitutionally or legislatively established judicial council acts in place of that court.

ESTABLISHMENT OF INSTITUTE; DUTIES

Corporation. 42 USC 10702.

SEC. 203. (a) There is established a private nonprofit corporation which shall be known as the State Justice Institute. The purpose of the Institute shall be to further the development and adoption of improved judicial administration in State courts in the United States. The Institute may be incorporated in any State pursuant to section 204(a)(6) of this title. To the extent consistent with the provisions of this title, the Institute may exercise the powers conferred upon a nonprofit corporation by the laws of the State in which it is incorporated.

(b) The Institute shall—

(1) direct a national program of assistance designed to assure each person ready access to a fair and effective system of justice by providing funds to—

(A) State courts;

(B) national organizations which support and are supported by State courts; and

(C) any other nonprofit organization that will support and achieve the purposes of this title;

(2) foster coordination and cooperation with the Federal judiciary in areas of mutual concern;

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(3) promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

(4) encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

(c) The Institute shall not duplicate functions adequately performed by existing nonprofit organizations and shall promote, on the part of agencies of State judicial administration, responsibility for the success and effectiveness of State court improvement programs supported by Federal funding.

(d) The Institute shall maintain its principal offices in the State in which it is incorporated and shall maintain therein a designated agent to accept service of process for the Institute. Notice to or service upon the agent shall be deemed notice to or service upon the Institute.

(e) The Institute, and any program assisted by the Institute, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 (26 U.S.C. 170(c)(2)(B)) and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) which is exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)). If such treatments are conferred in accordance with the provisions of such Code, the Institute, and programs assisted by the Institute, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

Federal Register, publication.

(f) The Institute shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, guidelines, and instructions under this title, and it shall publish in the Federal Register, at least thirty days prior to their effective date, all rules, regulations, guidelines, and instructions.

BOARD OF DIRECTORS

42 USC 10703.

SEC. 204. (a)(1) The Institute shall be supervised by a Board of Directors, consisting of eleven voting members to be appointed by the President, by and with the advice and consent of the Senate. The Board shall have both judicial and nonjudicial members, and shall, to the extent practicable, have a membership representing a variety of backgrounds and reflecting participation and interest in the administration of justice.

(2) The Board shall consist of—

(A) six judges, to be appointed in the manner provided in paragraph (3);

(B) one State court administrator, to be appointed in the manner provided in paragraph (3); and

(C) four members from the public sector, no more than two of whom shall be of the same political party, to be appointed in the manner provided in paragraph (4).

(3) The President shall appoint six judges and one State court administrator from a list of candidates submitted to the President by the Conference of Chief Justices. The Conference of Chief Justices shall submit a list of at least fourteen individuals, including judges and State court administrators, whom the conference considers best qualified to serve on the Board. Whenever the term of any of the members of the Board described in subparagraphs (A) and (B) terminates and that member is not to be reappointed to a new term, and whenever a vacancy otherwise occurs among those members, the President shall appoint a new member from a list of three qualified individuals submitted to the President by the Conference of Chief Justices. The President may reject any list of individuals submitted by the Conference under this paragraph and, if such a list is so rejected, the President shall request the Conference to submit to him another list of qualified individuals. Prior to consulting with or submitting a list to the President, the Conference of Chief Justices shall obtain and consider the recommendations of all interested organizations and individuals concerned with the administration of justice and the objectives of this title.

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(4) In addition to those members appointed under paragraph (3), the President shall appoint four members from the public sector to serve on the Board.

(5) The President shall make the initial appointments of members of the Board under this subsection within ninety days after the effective date of this title. In the case of any other appointment of a member, the President shall make the appointment not later than ninety days after the previous term expires or the vacancy occurs, as the case may be. The Conference of Chief Justices shall submit lists of candidates under paragraph (3) in a timely manner so that the appointments can be made within the time periods specified in this paragraph.

(6) The initial members of the Board of Directors shall be the incorporators of the Institute and shall determine the State in which the Institute is to be incorporated.

(b)(1) Except as provided in paragraph (2), the term of each voting member of the Board shall be three years. Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified.

(2) Five of the members first appointed by the President shall serve for a term of two years. Any member appointed to serve an unexpired term which has arisen by virtue of the death, disability, retirement, or resignation of a member shall be appointed only for such unexpired term, but shall be eligible for reappointment.

(3) The term of initial members shall commence from the date of the first meeting of the Board, and the term of each member other than an initial member shall commence from the date of termination of the preceding term.

Prohibition

(c) No member shall be reappointed to more than two consecutive terms immediately following such member's initial term.

(d) Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(e) The members of the Board shall not, by reason of such membership, be considered officers or employees of the United States.

(f) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the membership present and voting.

(g) The Board shall select from among the voting members of the Board a chairman, the first of whom shall serve for a term of three years. Thereafter, the Board shall annually elect a chairman from among its voting members.

(h) A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of, or inability to discharge duties, or for any offense involving moral turpitude, but for no other cause.

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(i) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the chairman, acting at his own discretion or pursuant to the petition of any seven members.

(j) All meetings of the Board, any executive committee of the Board, and any council established in connection with this title, shall be open and subject to the requirements and provisions of section 552b of title 5, United States Code, relating to open meetings.

(k) In its direction and supervision of the activities of the Institute, the Board shall—

(1) establish policies and develop such programs for the Institute that will further the achievement of its purpose and performance of its functions;

(2) establish policy and funding priorities and issue rules, regulations, guidelines, and instructions pursuant to such priorities;

(3) appoint and fix the duties of the Executive Director of the Institute, who shall serve at the pleasure of the Board and shall be a nonvoting ex officio member of the Board;

(4) present to other Government departments, agencies, and instrumentalities whose programs or activities relate to the administration of justice in the State judiciaries of the United States, the recommendations of the Institute for the improvement of such programs or activities;

(5) consider and recommend to both public and private agencies aspects of the operation of the State courts of the United States considered worthy of special study; and

(6) award grants and enter into cooperative agreements or contracts pursuant to section 206(a).

OFFICERS AND EMPLOYEES

42 USC 10704.

SEC. 205. (a)(1) The Director, subject to general policies established by the Board, shall supervise the activities of persons employed by the Institute and may appoint and remove such employees as he determines necessary to carry out the purposes of the Institute. The Director shall be responsible for the executive and administrative operations of the Institute, and shall perform such duties as are delegated to such Director by the Board and the Institute.

(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Institute, or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

(b) Officers and employees of the Institute shall be compensated at rates determined by the Board, but not in excess of the rate of level V of the Executive Schedule specified in section 5316 of title 5, United States Code.

(c)(1) Except as otherwise specifically provided in this title, the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.

(2) This title does not limit the authority of the Office of Management and Budget to review and submit comments upon the Institute's annual budget request at the time it is transmitted to the Congress.

98 STAT. 3340

(d)(1) Except as provided in paragraph (2), officers and employees of the Institute shall not be considered officers or employees of the United States.

5 USC 8101, 8301 *et seq.*, 8701 *et seq.*, 8901 *et seq.*

(2) Officers and employees of the Institute shall be considered officers and employees of the United States solely for the purposes of the following provisions of title 5, United States Code: Subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions under the provisions referred to in this subsection at the same rates applicable to agencies of the Federal Government.

(e) The Institute and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code, relating to freedom of information.

GRANTS AND CONTRACTS

42 USC 10705.

SEC. 206. (a) The Institute is authorized to award grants and enter into cooperative agreements or contracts, in a manner consistent with subsection (b), in order to—

Research and development.

(1) conduct research, demonstrations, or special projects pertaining to the purposes described in this title, and provide technical assistance and training in support of tests, demonstrations, and special projects;

Public information.

(2) serve as a clearinghouse and information center, where not otherwise adequately provided, for the preparation, publication, and dissemination of information regarding State judicial systems;

(3) participate in joint projects with other agencies, including the Federal Judicial Center, with respect to the purposes of this title;

(4) evaluate, when appropriate, the programs and projects carried out under this title to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have met or failed to meet the purposes and policies of this title;

Education.

(5) encourage and assist in the furtherance of judicial education;

(6) encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

(7) be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

(b) The Institute is empowered to award grants and enter into cooperative agreements or contracts as follows:

(1) The Institute shall give priority to grants, cooperative agreements, or contracts with—

(A) State and local courts and their agencies,

(B) national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments; and

Education.

(C) national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments.

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(2) The Institute may, if the objective can better be served thereby, award grants or enter into cooperative agreements or contracts with—

(A) other nonprofit organizations with expertise in judicial administration;

Education.

(B) institutions of higher education;

(C) individuals, partnerships, firms, or corporations; and

(D) private agencies with expertise in judicial administration.

(3) Upon application by an appropriate Federal, State, or local agency or institution and if the arrangements to be made by such agency or institution will provide services which could not be provided adequately through nongovernmental arrangements, the Institute may award a grant or enter into a cooperative agreement or contract with a unit of Federal, State, or local government other than a court.

(4) Each application for funding by a State or local court shall be approved, consistent with State law, by the State's supreme court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such courts.

(c) Funds available pursuant to grants, cooperative agreements, or contracts awarded under this section may be used—

(1) to assist State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

Education

(2) to support education and training programs for judges and other court personnel, for the performance of their general duties and for specialized functions, and to support national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

Research and development.

(3) to conduct research on alternative means for using nonjudicial personnel in court decisionmaking activities, to implement demonstration programs to test innovative approaches, and to conduct evaluations of their effectiveness;

(4) to assist State and local courts in meeting requirements of Federal law applicable to recipients of Federal funds;

(5) to support studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and to enable States to implement plans for improved court organization and finance;

(6) to support State court planning and budgeting staffs and to provide technical assistance in resource allocation and service forecasting techniques;

(7) to support studies of the adequacy of court management systems in State and local courts and to implement and evaluate innovative responses to problems of record management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

(8) to collect and compile statistical data and other information on the work of the courts and on the work of other agencies which relate to and effect the work of courts;

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(9) to conduct studies of the causes of trial and appellate court delay in resolving cases, and to establish and evaluate experimental programs for reducing case processing time;

(10) to develop and test methods for measuring the performance of judges and courts and to conduct experiments in the use of such measures to improve the functioning of such judges and courts;

(11) to support studies of court rules and procedures, discovery devices, and evidentiary standards, to identify problems with the operation of such rules, procedures, devices, and standards, to devise alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and to test the utility of those alternative approaches;

(12) to support studies of the outcomes of cases in selected subject matter areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, to propose alternative approaches to the resolving of cases in problem areas, and to test and evaluate those alternatives;

(13) to support programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

(14) to test and evaluate experimental approaches to providing increased citizen access to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

(15) to carry out such other programs, consistent with the purposes of this title, as may be deemed appropriate by the Institute.

(d) The Institute shall incorporate in any grant, cooperative agreement, or contract awarded under this section in which a State or local judicial system is the recipient, the requirement that the recipient provide a match, from private or public sources, not less than 50 per centum of the total cost of such grant, cooperative agreement, or contract, except that such requirement may be waived in exceptionally rare circumstances upon the approval of the chief justice of the highest court of the State and a majority of the Board of Directors.

(e) The Institute shall monitor and evaluate, or provide for independent evaluations of, programs supported in whole or in part under this title to ensure that the provisions of this title, the bylaws of the Institute, and the applicable rules, regulations, and guidelines promulgated pursuant to this title, are carried out.

Study.

(f) The Institute shall provide for an independent study of the financial and technical assistance programs under this title.

LIMITATIONS ON GRANTS AND CONTRACTS

42 USC 10706.

SEC. 207. (a) With respect to grants made and contracts or cooperative agreements entered into under this title, the Institute shall—

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(1) ensure that no funds made available to recipients by the Institute shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation or constitutional amendment by the Congress of the United States, or by any State or local legislative body, or any State proposal by initiative petition, or of any referendum, unless a governmental agency, legislative body, a committee, or a member thereof—

(A) requests personnel of the recipients to testify, draft, or review measures or to make representations to such agency, body, committee, or member; or

(B) is considering a measure directly affecting the activities under this title of the recipient or the Institute;

(2) ensure all personnel engaged in grant, cooperative agreement or contract assistance activities supported in whole or part by the Institute refrain, while so engaged, from any partisan political activity; and

(3) ensure that each recipient that files with the Institute a timely application for refunding is provided interim funding necessary to maintain its current level of activities until—

(A) the application for refunding has been approved and funds pursuant thereto received; or

(B) the application for refunding has been finally denied in accordance with section 9 of this title.

(b) No funds made available by the Institute under this title, either by grant, cooperative agreement, or contract, may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities.

(c) The authorization to enter into cooperative agreements, contracts or any other obligation under this title shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

(d) To ensure that funds made available under this Act are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used—

(1) to supplant State or local funds currently supporting a program or activity; or

(2) to construct court facilities or structures, except to remodel existing facilities to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program.

RESTRICTIONS ON ACTIVITIES OF THE INSTITUTE

SEC. 208. (a) The Institute shall not— 42 USC 10707

(1) participate in litigation unless the Institute or a recipient of the Institute is a party, and shall not participate on behalf of any client other than itself;

(2) interfere with the independent nature of any State judicial system or allow financial assistance to be used for the funding of regular judicial and administrative activities of any State judicial system other than pursuant to the terms of any grant, cooperative agreement, or contract with the Institute, consistent with the requirements of this title; or

(3) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, except that personnel of the Institute may testify or make other appropriate communication—

(A) when formally requested to do so by a legislative body, committee, or a member thereof;

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(B) in connection with legislation or appropriations directly affecting the activities of the Institute; or

(C) in connection with legislation or appropriations dealing with improvements in the State judiciary, consistent with the provisions of this title.

(b)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall enure to the benefit of any director, officer, or employee, except as reasonable compensation for services or reimbursement for expenses.

(3) Neither the Institute nor any recipient shall contribute or make available Institute funds or program personnel or equipment to any political party or association, or the campaign of any candidate for public or party office.

(4) The Institute shall not contribute or make available Institute funds or program personnel or equipment for use in advocating or opposing any ballot measure, initiative, or referendum.

(c) Officers and employees of the Institute or of recipients shall not at any time intentionally identify the Institute or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office.

SPECIAL PROCEDURES

42 USC 10708.

SEC. 209. The Institute shall prescribe procedures to ensure that—

(1) financial assistance under this title shall not be suspended unless the grantee, contractor, person, or entity receiving financial assistance under this title has been given reasonable notice and opportunity to show cause why such actions should not be taken; and

(2) financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the recipient has been afforded reasonable notice and opportunity for a timely, full, and fair hearing, and, when requested, such hearing shall be conducted by an independent hearing examiner. Such hearing shall be held prior to any final decision by the Institute to terminate financial assistance or suspend or deny funding. Hearing examiners shall be appointed by the Institute in accordance with procedures established in regulations promulgated by the Institute.

PRESIDENTIAL COORDINATION

42 USC 10709.

SEC. 210. The President may, to the extent not inconsistent with any other applicable law, direct that appropriate support functions of the Federal Government may be made available to the Institute in carrying out its functions under this title.

RECORDS AND REPORTS

SEC. 211. (a) The Institute is authorized to require such reports as it deems necessary from any recipient with respect to activities carried out pursuant to this title.

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(b) The Institute is authorized to prescribe the keeping of records with respect to funds provided by any grant, cooperative agreement, or contract under this title and shall have access to such records at all reasonable times for the purpose of ensuring compliance with such grant, cooperative agreement, or contract or the terms and conditions upon which financial assistance was provided.

Public availability.

(c) Copies of all reports pertinent to the evaluation, inspection, or monitoring of any recipient shall be submitted on a timely basis to such recipient, and shall be maintained in the principal office of the Institute for a period of at least five years after such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Institute may establish.

(d) Non-Federal funds received by the Institute, and funds received for projects funded in part by the Institute or by any recipient from a source other than the Institute, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

AUDITS

42 USC 10711.

SEC. 212. (a)(1) The accounts of the Institute shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(2) The audits shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audits shall be made available to the person or persons conducting the audits. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

Report.
Public availability.

(3) The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Institute.

(b)(1) In addition to the annual audit, the financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States.

(2) Any such audit shall be conducted at the place or places where accounts of the Institute are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audit. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Institute shall remain in the possession and custody of the Institute throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, and other papers or property for a longer period under section 3523(c) of title 31, United States Code.

98 STAT. 3346

Report.

(3) A report of such audit shall be made by the Comptroller General to the Congress and to the Attorney General, together with such recommendations with respect thereto as the Comptroller General deems advisable.

Reports.

(c)(1) The Institute shall conduct, or require each recipient to provide for, an annual fiscal audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Institute.

Public availability.

(2) The Institute shall submit to the Comptroller General of the United States copies of such reports, and the Comptroller General may, in addition, inspect the books, accounts, financial records, files, and other papers or property belonging to or in use by such grantee, contractor, person, or entity, which relate to the disposition or use of funds received from the Institute. Such audit reports shall be available for public inspection during regular business hours, at the principal office of the Institute.

REPORT BY ATTORNEY GENERAL

42 USC 10712.

SEC. 213. On October 1, 1987, the Attorney General, in consultation with the Federal Judicial Center, shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the effectiveness of the Institute in carrying out the duties specified in section 203(b). Such report shall include an assessment of the cost effectiveness of the program as a whole and, to the extent practicable, of individual grants, an assessment of whether the restrictions and limitations specified in sections 207 and 208 have been respected, and such recommendations as the Attorney General, in consultation with the Federal Judicial Center, deems appropriate.

AMENDMENTS TO OTHER LAWS

SEC. 214. Section 620(b) of title 28, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (3);

(2) striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) inserting the following new paragraph (5) at the end thereof:

"(5) Insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with the State Justice Institute in the establishment and coordination of research and programs concerning the administration of justice.".

AUTHORIZATIONS

42 USC 10713.

SEC. 215. There are authorized to be appropriated to carry out the purposes of this title, $13,000,000 for fiscal year 1986, $15,000,000 for fiscal year 1987, and $15,000,000 for fiscal year 1988.

EFFECTIVE DATE

42 USC 10701 note.

SEC. 216. The provisions of this title shall take effect on October 1, 1985.

LEGISLATIVE HISTORY—H.R. 6163:

HOUSE REPORT No. 98-1062 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 24, considered and passed House.
Oct. 3, considered and passed Senate, amended.
Oct. 9, House concurred in Senate amendments.

Public Law 98-479
98th Congress

98 STAT. 2218

An Act

To make technical and conforming amendments in certain laws relating to housing and community development.

Oct. 17, 1984
[S. 2819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Community Development Technical Amendments Act of 1984".

Housing and Community Development Technical Amendments Act of 1984.
42 USC 5301 note.

TITLE I—TECHNICAL AND CONFORMING AMENDMENTS TO HOUSING AND URBAN-RURAL RECOVERY ACT OF 1983

COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATON

Sec. 101. (a)(1) The last sentence of section 102(a)(4) of the Housing and Community Development Act of 1974 is amended—

97 Stat. 1159.
42 USC 5302.

(A) by striking out "while its population is included in an urban county for such fiscal year";

(B) by striking out "continues" and inserting in lieu thereof "elects"; and

(C) by striking out "such" the last place it appears and inserting in lieu thereof "an".

(2) Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended—

97 Stat. 1160.

(A) in the penultimate sentence, by inserting before the period at the end thereof the following: ", except that the provisions of this sentence shall not apply with respect to any county losing its classification as an urban county by reason of the election of any unit of general local government included in such county to have its population excluded under clause (B)(i) of the first sentence or to not renew a cooperation agreement under clause (B)(ii) of such sentence";

(B) by inserting before the semicolon at the end of clause (B) of the last sentence the following: ", (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county"; and

(C) by inserting before the period at the end of clause (D) of the last sentence the following: "(excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county".

(3) Section 102(a)(20) of the Housing and Community Development Act of 1974 is amended to read as follows:

97 Stat. 1160.

"(20)(A) The terms 'persons of low and moderate income' and 'low- and moderate-income persons' mean families and individuals whose incomes do not exceed 80 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. The term 'persons of low income' means families and individuals whose incomes do not exceed 50 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. The term 'persons of moderate income' means families and individuals whose incomes exceed

98 STAT. 2219

50 percent, but do not exceed 80 percent, of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families. For purposes of such terms, the area involved shall be determined in the same manner as such area is determined for purposes of assistance under section 8 of the United States Housing Act of 1937.

42 USC 1437f.

"(B) The Secretary may establish percentages of median income for any area that are higher or lower than the percentages set forth in subparagraph (A), if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area.".

97 Stat. 1160.
42 USC 5302.

(4) Section 102(a)(21) of the Housing and Community Development Act of 1974 is amended by striking out "capital or office buildings" and inserting in lieu thereof the following: "capitol or office buildings,".

97 Stat. 1161.
42 USC 5304.

(5) Section 104(a)(2)(E) of the Housing and Community Development Act of 1974 is amended by inserting before the period at the end thereof the following: "or in the method of distribution of such funds".

97 Stat. 1162.

(6) Section 104(b)(5)(B) of the Housing and Community Development Act of 1974 is amended by striking out "low and moderate income who are not persons of very low" and inserting in lieu thereof "moderate".

97 Stat. 1162.

(7) Section 104(d) of the Housing and Community Development Act of 1974 is amended—

(A) in the third sentence, by striking out the last comma;

(B) in the fifth sentence, by inserting "general" before "local" the last place it appears; and

(C) in the sixth sentence, by inserting "general" before "local".

97 Stat. 1163.
42 USC 5305.

(8)(A) Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by inserting "fiscal year 1982 or" before "fiscal year 1983".

97 Stat. 1164.

(B) Section 105(a)(15) of the Housing and Community Development Act of 1974 is amended by striking out "including" and inserting in lieu thereof "and".

97 Stat. 1164.

(9)(A) Section 105(c)(2) of the Housing and Community Development Act of 1974 is amended by striking out "(B)" and all that follows through "recipient" and inserting in lieu thereof the following: "(B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income".

Effective date.
42 USC 5305 note.

Regulations.

(B) The amendment made by subparagraph (A) shall take effect upon the enactment of this Act and shall be implemented through an interim instruction issued by the Secretary of Housing and Urban Development. Not later than June 1, 1985, the Secretary of Housing and Urban Development shall issue a final regulation regarding the provisions of such amendment.

97 Stat. 1165.
42 USC 5306.

(10) Section 106(d)(2)(A) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "a State that has elected, in such manner and at such time as the Secretary shall prescribe" any place it appears and inserting in lieu thereof "the State"; and

(B) in clause (i), as such clause may have been amended by subparagraph (A), by striking out "the State" and inserting in lieu thereof the following: "a State that has elected, in such manner and at such time as the Secretary shall prescribe, to distribute such amounts".

97 Stat. 1166.
42 USC 5306.

(11) Section 106(d)(3) of the Housing and Community Development Act of 1974 is amended—

(A) in the second sentence of subparagraph (A), by inserting after "title" the following: "or section 17(e)(1) of the United States Housing Act of 1937"; and

(B) in subparagraph (C), by inserting after "104" the following: "or to make the certifications required in subparagraphs (C) and (D) of paragraph (2)".

(12) Section 106(d)(5)(D)(ii) of the Housing and Community Development Act of 1974 is amended by striking out "low and moderate income who are not persons of very low" and inserting in lieu thereof "moderate".

97 Stat. 1166.

(13)(A) Section 112 of the Housing and Community Development Act of 1974 is amended by striking out subsection (c).

97 Stat. 1168.
42 USC 5312.
Baltimore, Md.

(B)(i) Notwithstanding any other provision of law or other requirement, the City of Baltimore in the State of Maryland is authorized to retain any land disposition proceeds from financially closed-out urban renewal projects not paid to the Department of Housing and Urban Development, and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of Baltimore shall retain such proceeds in a lump sum and shall be entitled to retain and use all past and future earnings from such proceeds, including any interest.

42 USC 5301.

(ii) Notwithstanding any other provision of law or other requirement, the City of Denver in the State of Colorado, or its designee, is authorized to receive all funds held by the Denver Urban Renewal Authority from the urban renewal project subject to civil litigation in the case of United States v. Denver Urban Renewal Authority, No. 84-K-67 (D. Colo.), for use as a direct grantee under and in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of Denver shall retain such funds in a lump sum and shall be entitled to retain and use all past and future earnings from such funds, including any interest.

Denver, Colo.

(14) The last sentence of section 810(f) of the Housing and Community Development Act of 1974 is amended by inserting ", State," after "government".

97 Stat. 1170.
12 USC 1706e.

(b)(1) Section 110(b) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "section" and inserting in lieu thereof "part".

97 Stat. 1168.
42 USC 5316 note.

(2) Section 123(b)(3) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "(a)(4)" each place it appears and inserting in lieu thereof "(a)(1)".

97 Stat. 1172.
42 USC 5318 note.

(3) Section 123(c) of the Housing and Urban-Rural Recovery Act of 1983 is amended—

(A) by striking out "(1)" after the subsection designation; and

(B) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

98 STAT. 2221

HOUSING ASSISTANCE PROGRAMS

SEC. 102. (a)(1) Section 235(h)(1) of the National Housing Act is amended—

97 Stat. 1194.
12 USC 1715z.

(A) in the penultimate sentence, by inserting after "1983," the first place it appears the following: "utilizing amounts approved in appropriation Acts before the date of the enactment of the Housing and Urban-Rural Recovery Act of 1983,"; and

(B) in the last sentence, by striking out "November 30, 1983" and inserting in lieu thereof "September 30, 1985".

(2) The first sentence of section 236(f)(4) of the National Housing Act is amended by striking out "up to".

97 Stat. 1187.
12 USC 1715z-1.

(b)(1) Section 3(b)(2) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new sentence: "Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply.".

97 Stat. 1179.
42 USC 1437a.
42 USC 1490.

(2) Section 3(b)(4) of the United States Housing Act of 1937 is amended by inserting before the period at the end thereof the following: ", in consultation with the Secretary of Agriculture".

42 USC 1437a.

97 Stat. 1179.

(3) Section 3(b)(5)(C) of the United States Housing Act of 1937 is amended to read as follows:

> "(C) the amount by which the aggregate of the following expenses of the family exceeds 3 percent of annual family income: (i) medical expenses for any elderly family; and (ii) reasonable attendant care and auxiliary apparatus expenses for each handicapped member of any family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed; and".

97 Stat. 1177.
42 USC 1437d.

(4) Section 6(j) of the United States Housing Act of 1937 is amended—

(A) by inserting ", acquisition, or acquisition and rehabilitation" after "construction"; and

(B) by striking out "large families" and inserting in lieu thereof "families requiring three or more bedrooms".

97 Stat. 1179.

(5) Section 6(m) of the United States Housing Act of 1937 is amended by striking out "hearing" and inserting in lieu thereof "housing".

97 Stat. 1182.
42 USC 1437f

(6) Section 8(d)(2) of the United States Housing Act of 1937 is amended by striking out the last two sentences and inserting in lieu thereof the following: "Where the Secretary enters into an annual contributions contract with a public housing agency pursuant to which the agency will enter into a contract for assistance payments with respect to an existing structure, the contract for assistance payments may not be attached to the structure unless (A) the Secretary and the public housing agency approve such action, and (B) the owner agrees to rehabilitate the structure other than with assistance under this Act and otherwise complies with the requirements of this section.".

97 Stat. 1183.

(7) Section 8(e)(2) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new sentence: "The Secretary shall increase the amount of assistance provided under this paragraph above the amount of assistance otherwise permitted by this paragraph and subsection (c)(1), if the Secretary determines such increase necessary to assist in the sale of multifamily housing projects owned by the Department of Housing and Urban Development.".

98 STAT. 2222

42 USC 1437f.

(8) Section 8(n) of the United States Housing Act of 1937 is amended by striking out "In" and all that follows through "Secretary" and inserting in lieu thereof the following: "In making assistance available under subsections (b)(1) and (e)(2), the Secretary".

(9) The first sentence under section 8(o)(3) of the United States Housing Act of 1937 is amended—

(A) by striking out "or" before "(B)"; and

(B) by inserting before the period at the end thereof the following: ", or (C) a family that is determined to be a lower income family at the time it initially receives assistance and that is displaced by activities under section 17(c)".

97 Stat. 1181.

(10) Section 8(o)(7)(D) of the United States Housing Act of 1937 is amended by inserting "unit of" before "general".

97 Stat. 1190.
12 USC 1701q.

(c)(1) The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended by striking out "1985" and inserting in lieu thereof "1984".

97 Stat. 1190.

(2) Section 202(h) of the Housing Act of 1959 is amended—

(A) by inserting "and" at the end of paragraph (1); and

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

97 Stat. 1191.

(3) Section 202(1) of the Housing Act of 1959 is amended by adding at the end thereof the following new sentence: "The Secretary shall not impose difference requirements or standards with respect to construction change orders, increases in loan amount to cover change orders, errors in plans and specifications, and use of contingency funds, because of the method of contractor selection used by the sponsor or borrower.".

(d) The penultimate sentence of section 101(g) of the Housing and Urban Development Act of 1965 is amended by striking out "up to".

97 Stat. 1187.
12 USC 1701s.

(e) Section 213(d)(2) of the Housing and Community Development Act of 1974 is amended by striking out "532" and inserting in lieu thereof "533".

97 Stat. 1175.
42 USC 1439.

(f) Section 411(a)(4) of the Congregate Housing Services Act of 1978 is amended by adding at the end thereof a semicolon.

97 Stat. 1191.
42 USC 8010.

(g)(1) Section 216 of the Housing and Urban-Rural Recovery Act of 1983 is amended—

97 Stat. 1186.

(A) by inserting "of Housing and Urban Development" after "Secretary" each place it appears; and

(B) by striking out "paragraph" each place it appears and inserting in lieu thereof "section".

(2) Section 220 of the Housing and Urban-Rural Recovery Act of 1983 is amended by inserting "of Housing and Urban Development" after "Secretary" each place it appears.

7 Stat. 1188.

(3) Section 221 of the Housing and Urban-Rural Recovery Act of 1983 is amended—

97 Stat. 1188.
42 USC 602 note.

(A) by striking out "chapter" and inserting in lieu thereof "part";

(B) by striking out ", up to the utility allowance,";

(C) by inserting "in lieu of any rental payment" after "made"; and

(D) by striking out "rental" and inserting in lieu thereof "shelter".

98 STAT. 2223

RENTAL HOUSING REHABILITATION AND PRODUCTION PROGRAM

SEC. 103. (a) Section 17(a)(1)(A) of the United States Housing Act of 1937 is amended by striking out "to States and units of general local government".

97 Stat. 1196.
42 USC 1437o.

(b) Section 17(b)(2)(B) of the United States Housing Act of 1937 is amended by striking out "(f)" and inserting in lieu thereof "(e)".

(c)(1) Section 17(c)(2)(H) of the United States Housing Act of 1937 is amended by striking out "State or unit of general local government that receives the assistance" and inserting in lieu thereof "grantee".

(2) Section 17(c)(3)(A) of the United States Housing Act of of 1937 is amended by striking out "families, including large families with children" and inserting in lieu thereof the following: "families with children, particularly families requiring three or more bedrooms".

(d)(1) Section 17(d)(2) of the United States Housing Act of 1937 is amended—

(A) in the penultimate sentence, by inserting "general local" before "government"; and

(B) by inserting after the penultimate sentence the following new sentence: "Notwithstanding such minimum standards, a city shall also be eligible to submit such an application if (A) according to the most recent data compiled by the United States Bureau of the Census, such city has a population of not less than 450,000; and (B) the percentage of the total rental units in such city that are vacant and available for rent is less than 10 percent.".

(2) Section 17(d)(4)(E) of the United States Housing Act of 1937 is amended by striking out "persons" and all that follows through "income" and inserting in lieu thereof "lower income families".

(3) Section 17(d)(5)(H) of the United States Housing Act of 1937 is amended by striking out "families, including large families with children" and inserting in lieu thereof the following: "families with children, particularly families requiring three or more bedrooms".

(e)(1) Section 17(e)(1) of the United States Housing Act of 1937 is amended—

(A) in the first sentence, by striking out "(b)(2)" and inserting in lieu thereof "(b)"; and

(B) in the second sentence, by striking out "cities with populations of less than fifty thousand" and inserting in lieu thereof the following: "units of general local government and areas of the State that do not receive allocations under subsection (b)".

(2) Section 17(e)(2) of the United States Housing Act of 1937 is amended by striking out "(b)(2) of this section" and inserting in lieu thereof "(b)".

(f) Section 17(i)(3) of the United States Housing Act of 1937 is amended by striking out "structure" and inserting in lieu thereof "project".

(g)(1) Section 17(k)(5)(A) is amended by striking out "resources under this section" and inserting in lieu thereof the following: "resources under subsection (b), and any unit of general local government receiving resources under subsection (d)".

(2) Section 17(k)(5)(B) of the United States Housing Act of 1937 is amended by striking out "(f)" and inserting in lieu thereof "(e)".

(3) Section 17(k)(5)(C) of the United States Housing Act of 1937 is amended by striking out "(f)(2)" and inserting in lieu thereof "(e)".

98 STAT. 2224

97 Stat. 1196.
42 USC 1437o.

(4) Section 17(k) of the United States Housing Act of 1937 is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(C) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'State' means each of the several States and the Commonwealth of Puerto Rico; and

"(7) the term 'unit of general local government' means (A) any city, county, town, township, parish, village, or other general purpose political subdivision of a State; (B) any Indian tribe (as defined in section 102(a)(17) of the Housing and Community Development Act of 1974); and (C) the District of Columbia, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.". 42 USC 5302.

(h)(1) Section 17(l)(1) of the United States Housing Act of 1937 is amended—

(A) by inserting a comma after "government"; and

(B) by striking out "(f)(1)" and inserting in lieu thereof "(e)(1)"; and

(2) Section 17(l)(2) of the United States Housing Act of 1937 is amended by striking out "(e)(2)" and inserting in lieu thereof "(e)(1)".

(i) Section 17 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

"(o) INAPPLICABILITY OF CERTAIN PROVISIONS.—Unless otherwise specifically provided in this section, the following provisions of this Act shall not apply to grants provided under this section: section 3(a), section 3(b)(1), the third sentence of section 3(b)(3), section 3(b)(7), the last sentence of section 6(a), and any other provision of this Act that is inconsistent with the provisions of this section.". 42 USC 1437a. 42 USC 1437d.

PROGRAM AMENDMENTS AND EXTENSIONS

SEC. 104. (a)(1) The section heading of section 232 of the National Housing Act is amended to read as follows: "MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES". 12 USC 1715w.

97 Stat. 1213.
12 USC 1715y.

(2) Section 234(k) of the National Housing Act is amended—

(A) by striking out "or" before "(3)"; and

(B) by inserting before the period at the end thereof the following: ", or (4) before April 20, 1984 (A) application was made to the Secretary for a commitment to insure a mortgage covering any unit in the project, (B) in the case of direct endorsement, the mortgagee received the case number assigned by the Secretary for any unit in the project, or (C) application was made for approval of the project for guarantee, insurance, or direct loan under chapter 37 of title 38, United States Code".

38 USC 1801 *et seq.*

(3) Section 235(j)(2)(C) of the National Housing Act is amended to read as follows:

12 USC 1715z.

"(C) bear interest at a rate not to exceed such percent per annum on the amount of the principal obligation outstanding at any time as the Secretary determines is necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets;".

98 STAT. 2225

(4) Section 236(j)(4)(B) of the National Housing Act is amended to read as follows:

12 USC 1715z-1.

"(B) bear interest at a rate not to exceed such percent per annum on the amount of the principal obligation outstanding at any time as the Secretary determines is necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets; and".

(5) Section 244(d) of the National Housing Act is amended to read as follows:

12 USC 1715z-9.

"(d) No mortgage, advance, or loan shall be insured pursuant to this section after September 30, 1985, except pursuant to a commitment to insure made before that date.".

(6) The section heading of section 526 of the National Housing Act is amended to read as follows: "MINIMUM PROPERTY STANDARDS".

12 USC 1735f-4.

(7) Section 531 of the National Housing Act is amended by striking out "title II" each place it appears and inserting in lieu thereof "this Act".

97 Stat. 1208.
12 USC 1735f-9.

(8) Section 1101(c)(4) of the National Housing Act is amended to read as follows:

12 USC 1749aaa.

"(4) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(b) Section 7(o)(6)(C) of the Department of Housing and Urban Development Act is amended by striking out "3 of Public Law 90-301" and inserting in lieu thereof "235 or 236 of the National Housing Act".

42 USC 3535.

(c)(1) Section 906(a) of the Housing and Urban Development Act of 1968 is amended—

42 USC 3936.

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph;

"(4) for the purpose of generating income to support the building or rehabilitation of housing primarily for the benefit of families and individuals of low or moderate income (A) design, develop, manufacture and sell products and services for use in the construction, sale, or financing of housing, and (B) design and develop commercial, industrial, or retail facilities that are not directly related to housing, except that the development and preservation of housing for families and individuals of low or moderate income shall be the primary activity of the corporation.".

(2) Section 906 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following:

"(e) The combined outstanding equity commitment of the corporation and the partnership with respect to activities undertaken under subsection (a)(4) may not exceed (1) 7 percent of their total combined equity commitment outstanding during the first 12-month period following the date of enactment of this subsection; (2) 14 percent of their total combined equity commitment outstanding during the second 12-month period following the date of enactment of this subsection; or (3) 20 percent of their total combined equity commitment outstanding at any time thereafter.".

(3) Section 908(a) of the Housing and Urban Development Act of 1968 is amended—

42 USC 3938.

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end thereof the following:

98 STAT. 2226

"(2) The report shall contain a description of the activities undertaken under section 906(a)(4), and shall specify, as a percentage of

Ante, p. 2225.

equity and in dollars, the extent of the corporation's and the partnership's investment in housing for the benefit of families and individuals of low or moderate income, the extent of the corporation's and the partnership's investment in other housing, and the extent of the corporation's and the partnership's activities which are undertaken under section 906(a)(4).".

97 Stat. 1234.
12 USC 3612.

(d)(1) Section 514(b)(5)(A) of the Solar Energy and Energy Conservation Bank Act is amended by striking out "loan" and inserting in lieu thereof "grant".

97 Stat. 1234.
12 USC 3618.

(2)(A) Section 520(b)(5) of the Solar Energy and Energy Conservation Bank Act is amended to read as follows:

> "(5)(A) establish explicit criteria, and their relative weights, for the allocation of financial assistance under this subtitle among eligible financial institutions; and
>
> "(B) provide that all amounts available for financial assistance under this subtitle as a result of any one appropriations law, or otherwise available for such assistance, shall be allocated at the same time; and".

Regulations.
12 USC 3618 note.

(B) The Secretary shall issue the regulations required as a result of the amendment made by this paragraph not later than 90 days after the date of the enactment of this Act.

12 USC 3612.

(e)(1) Section 463 of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "(c)(1)" the second place it appears and inserting in lieu thereof "(d)(1)".

97 Stat. 1239.

(2) Section 482 of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "305(b)" and inserting in lieu thereof "305".

Prohibition.
12 USC 1715b note.
97 Stat. 1222.
12 USC 1715z-7.

(f) The Secretary of Housing and Urban Development shall, not later than October 31, 1984, issue regulations to carry out the amendments made to section 242 of the National Housing Act by section 436 of the Housing and Urban-Rural Recovery Act of 1983.

RURAL HOUSING

97 Stat. 1240.
42 USC 1471.

SEC. 105. (a) Section 501(b)(4) of the Housing Act of 1949 is amended by striking out "by the Secretary of Housing and Urban Development".

97 Stat. 1240.
42 USC 1472.

(b)(1) Section 502(d) of the Housing Act of 1949 is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

> "(1) not less than 40 percent of the funds approved in appropriation Acts for use under this section shall be set aside and made available only for very low-income families or persons; and
>
> "(2) not less than 30 percent of the funds allocated to each State under this section shall be available only for very low-income families or persons.".

42 USC 1472 note.

(2) Notwithstanding any other provision of law, the provisions of section 502(d) of the Housing Act of 1949, as amended by paragraph (1), shall apply with respect to fiscal year 1985 and thereafter, and the provisions of such section, as so amended, may not be changed or superseded except by another provision of law which amends such section.

97 Stat. 1243.
42 USC 1480.

(c) Section 510(e) of the Housing Act of 1949 is amended by striking out ". Such" and ". Where" and inserting in lieu thereof "; such" and "; where", respectively.

97 Stat. 1243.
42 USC 1483.

(d)(1) Section 513(a) of the Housing Act of 1949 is amended—

> (A) by inserting "(1)" after the subsection designation; and
>
> (B) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, insured and guaranteed loan authority authorized in this title for any fiscal year beginning after September 30, 1984, shall not be transferred or used for any purpose not specified in this title.".

(2) Section 513(b)(7) of the Housing Act of 1949 is amended by striking out "531" and inserting in lieu thereof "533".

97 Stat. 1244.
42 USC 1485.

(e) Section 515(k)(2)(B) of the Housing Act of 1949 is amended by inserting ", at the option of the applicant, either that there is a reasonable assurance that the contract for assistance will be extended or renewed, or" after "five years, and".

(f) Section 517(j)(4) of the Housing Act of 1949 is amended by inserting "and" after the semicolon at the end thereof. 42 USC 1487.

(g) The last sentence of section 520 of the Housing Act of 1949 is amended by striking out "1984" and inserting in lieu thereof "1985". 97 Stat. 1247. 42 USC 1490.

(h) Section 521(d)(1) of the Housing Act of 1949 is amended to read as follows: 42 USC 1490a.

"(d)(1) In utilizing the rental assistance payments authority pursuant to subsection (a)(2)—

"(A) the Secretary shall make such assistance available in existing projects for units occupied by low income families or persons to extend expiring contracts or to provide additional assistance when necessary to provide the full amount authorized pursuant to existing contracts;

"(B) any such authority remaining after carrying out subparagraph (A) shall be used in projects receiving commitments under section 514, 515, or 516 after fiscal year 1983 for contracts to assist very low-income families or persons to occupy the units in such projects, except that not more than 5 percent of the units assisted may be occupied by low income families or persons who are not very low-income families or persons; and 42 USC 1484-1486.

"(C) any such authority remaining after carrying out subparagraphs (A) and (B) may be used to provide further assistance to existing projects under section 514, 515, or 516.".

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS TO OTHER HOUSING AND COMMUNITY DEVELOPMENT AND BANKING LAWS

CONFORMING REFERENCES TO SECRETARY OF HEALTH AND HUMAN SERVICES AND SECRETARY OF EDUCATION

SEC. 201. (a)(1) Section 242(c) of the National Housing Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 12 USC 1715z-7.

(2) Section 1104 of the National Housing Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 12 USC 1749aaa-3.

(b) Section 302(c)(2)(B) of the Federal National Mortgage Association Charter Act is amended— 12 USC 1717

(1) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; and

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(2) by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(c) Section 522(a) of the Housing Act of 1949 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health, and Human Services". 42 USC 1490b.

(d)(1) Section 402(c) of the Housing Act of 1950 is amended— 12 USC 1749a.

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively.

(2) Section 404(f) of the Housing Act of 1950 is amended by striking out "Housing and Urban Development" and inserting in lieu thereof "Education". 12 USC 1749c.

(e) Section 202(f) of the Housing Act of 1959 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 12 USC 1701q.

(f) Section 207 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 42 USC 3337.

(g) Section 209 of the Housing and Community Development Act of 1974 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 42 USC 1438.

(h) Paragraphs (1) and (2) of section 413(b) of the Energy Conserva-

42 USC 6863.

tion in Existing Building Act of 1976 are amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

12 USC 1701z-6 note.

(i) Section 207(c)(3) of the Public Housing Security Demonstration Act of 1978 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

42 USC 8004.

(j) Section 405(i) of the Congregate Housing Services Act of 1978 is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

CONFORMING CROSS-REFERENCES TO TITLE 5, UNITED STATES CODE

12 USC 1702.

SEC. 202. (a)(1) The second sentence of section 1 of the National Housing Act is amended by striking out "without" and all that follows through "States".

12 USC 1749bbb-17.

(2) Section 1247 of the National Housing Act is amended by striking out "the Administrative Procedure Act" and inserting in lieu thereof the following: "subchapter II of chapter 5, and chapter 7, of title 5, United States Code".

12 USC 1701c.

(b)(1) The first sentence of section 502(a) of the Housing Act of 1948 is amended by striking out "the Classification Act of 1949, as amended" and inserting in lieu thereof the following: "chapter 51 and subchapter III of chapter 53 of title 5, United States Code".

(2) Section 502(c)(1) of the Housing Act of 1948 is amended by striking out "5 U.S.C. 73b-2" and inserting in lieu thereof the following: "section 5703 of title 5, United States Code".

12 USC 1701h.

(c) Section 601 of the Housing Act of 1949 is amended by striking out "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2)" and inserting in lieu thereof the following: "section 5703 of title 5, United States Code".

15 USC 1715.

98 STAT. 2229

(d) Section 1416(b) of the Interstate Land Sales Full Disclosure Act is amended by striking out "the Administrative Procedure Act" and inserting in lieu thereof the following: "subchapter II of chapter 5, and chapter 7, of title 5, United States Code".

CONFORMING CROSS-REFERENCES TO TITLE 31, UNITED STATES CODE

12 USC 1719.

SEC. 203. (a)(1) Section 304(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

12 USC 1721.

(2) Section 306(d) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

12 USC 1723a.

(3) Section 309(b) of the Federal National Mortgage Association Charter Act is amended by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of title 31, United States Code".

12 USC 1723g.

(4) Section 315(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

12 USC 1723h.

(5) Section 316(c) of the Federal National Mortgage Association Charter Act is amended by striking out "the Second Liberty Bond Act, as now or hereafter in force" each place it appears and inserting in lieu thereof "chapter 31 of title 31, United States Code".

42 USC 1437b.

(b)(1) Section 4(b) of the United States Housing Act of 1937 is amended—

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 10(a) of the United States Housing Act of 1937 is amended by striking out "the Government Corporation Control Act, as amended" each place it appears and inserting in lieu thereof "chapter 91 of title 31, United States Code". 42 USC 1437h.

(c) Section 502(c)(2) of the Housing Act of 1948 is amended by striking out "section 3648 of the Revised Statutes" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code". 12 USC 1701c.

(d)(1) Section 102(f) of the Housing Act of 1949 is amended— 42 USC 1452.

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 106(a) of the Housing Act of 1949 is amended by striking out "the Government Corporation Control Act, as amended" each place it appears and inserting in lieu thereof "chapter 91 of title 31, United States Code". 42 USC 1456.

(3) Section 501(b)(6) of the Housing Act of 1949 is amended by striking out "the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512)" and inserting in lieu thereof "chapter 67 of title 31, United States Code". 42 USC 1471.

(4) Section 511 of the Housing Act of 1949 is amended— 42 USC 1481.

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(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

(5) Section 517(h) of the Housing Act of 1949 is amended— 42 USC 1487.

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

(6) Section 517(k) of the Housing Act of 1949 is amended by striking out "the Budget and Accounting Act, 1921" and inserting in lieu thereof "chapter 11 of title 31, United States Code".

(e)(1) Section 401(e) of the Housing Act of 1950 is amended— 12 USC 1749.

(A) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

(2) Section 402(a)(1) of the Housing Act of 1950 is amended by striking out "the Government Corporation Control Act, as amended" and inserting in lieu thereof "chapter 91 of title 31, United States Code". 12 USC 1749a.

(3) Section 402(a)(2) of the Housing Act of 1950 is amended by striking out "the Accounting and Auditing Act of 1950" and inserting in lieu thereof "chapter 35 of title 31, United States Code".

(4) Section 402(e) of the Housing Act of 1950 is amended—

(A) by striking out "section 309 of the Independent Offices Appropriation Act, 1950 (63 Stat. 662)" and inserting in lieu thereof "section 9107(a) of title 31, United States Code"; and

(B) by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of such title".

(f) Section 203(a) of the Housing Amendments of 1955 is amended— 42 USC 1493.

(1) by striking out "the Second Liberty Bond Act, as amended" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

42 USC 2414. (g) Section 15(e) of the Federal Flood Insurance Act of 1956 is amended—

(1) by striking out "the Second Liberty Bond Act, as amended," and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "such Act, as amended," and inserting in lieu thereof "such chapter".

12 USC 1701q (h) Section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended—

(1) by striking out "the Second Liberty Bond Act" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(2) by striking out "that Act" and inserting in lieu thereof "such chapter".

12 USC 1749bbb-8 (i)(1) Section 1222(c) of the Urban Property Protection and Reinsurance Act of 1968 is amended by striking out "section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a))" and inserting in lieu thereof "section 1341(a) of title 31, United States Code".

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12 USC 1749bbb-13 (2) Section 1243(d) of the Urban Property Protection and Reinsurance Act of 1968 is amended by striking out "law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849))" and inserting in lieu thereof "sections 9103 and 9104 of title 31, United States Code".

42 USC 4017 (j)(1) Section 1310(e) of the National Flood Insurance Act of 1968 is amended by striking out "law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849))" and inserting in lieu thereof "sections 9103 and 9104 of title 31, United States Code".

42 USC 4101 (2) Section 1360(b) of the National Flood Insurance Act of 1968 is amended by striking out "sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5)" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5)".

42 USC [illegible] (3) Section 1373 of the National Flood Insurance Act of 1968 is amended by striking out "the Government Corporation Control Act" and inserting in lieu thereof "chapter 91 of title 31, United States Code,".

12 USC [illegible] (k) Section 502(e) of the Housing and Urban Development Act of 1970 is amended by striking out "section 3648 of the Revised Statutes" and inserting in lieu thereof "subsections (a) and (b) of section 3324 of title 31, United States Code,".

42 USC 5302 (l)(1) Section 102(a)(17) of the Housing and Community Development Act of 1974 is amended by striking out "the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512)" and inserting in lieu thereof "chapter 67 of title 31, United States Code".

42 USC 5308. (2) Section 108(g) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "the Second Liberty Bond Act, as now or hereafter in force" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "such Act" and inserting in lieu thereof "such chapter".

42 USC 5318. (3) Section 119(n)(2) of the Housing and Community Development Act of 1974 is amended by striking out "the State and Local Fiscal Assistance Act of 1972" and inserting in lieu thereof "chapter 67 of title 31, United States Code".

42 USC 1440. (4) Section 802(e)(2) of the Housing and Community Development Act of 1974 is amended—

(A) by striking out "the Second Liberty Bond Act" and inserting in lieu thereof "chapter 31 of title 31, United States Code"; and

(B) by striking out "that Act" and inserting in lieu thereof "such chapter".

(m) Section 608(d) of the Neighborhood Reinvestment Corporation

Act is amended by striking out "the Budget and Accounting Act, 1921" and inserting in lieu thereof "chapter 11 of title 31, United States Code". 42 USC 8107.

MISCELLANEOUS TECHNICAL CORRECTIONS

Sec. 204. (a)(1) Section 4 of the National Housing Act is amended by striking out "suuch" and inserting in lieu thereof "such". 12 USC 1705.

(2) Section 203(n)(2)(A) of the National Housing Act is amended by striking out "an" and inserting in lieu thereof "a". 12 USC 1709.

(3) The first sentence of section 207(i) of the National Housing Act is amended by inserting "section" before "221(g)". 12 USC 1713.

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(4)(A) The National Housing Act is amended by inserting the following section heading for section 214: "INSURANCE OF MORTGAGES ON PROPERTY IN ALASKA, GUAM, AND HAWAII". 12 USC 1715d.

(B) The third sentence of section 214 of the National Housing Act is amended by striking out "Nowithstanding" and inserting in lieu thereof "Notwithstanding". 12 USC 1715d.

(5) Section 217 of the National Housing Act is amended by inserting "section 244, section 245," after "236,". 12 USC 1715h.

(6) Section 221(d)(3)(iii) of the National Housing Act is amended by striking out "rehabilited" and inserting in lieu thereof "rehabilitated". 12 USC 1715*l*.

(7) The first sentence of section 223(f)(2) of the National Housing Act is amended by inserting "a" before "multifamily". 12 USC 1715n.

(8) Section 235(i)(3)(C) of the National Housing Act is amended by striking out "Seretary" and inserting in lieu thereof "Secretary". 12 USC 1715z.

(9) Section 236(j)(5)(C) of the National Housing Act is amended by striking out "or residents" and inserting in lieu thereof "of residents". 12 USC 1715z-1.

(10) Section 240(a) of the National Housing Act is amended by striking out "purchasers" and inserting in lieu thereof "purchases". 12 USC 1715z-5.

(11) The first sentence of section 241(a) of the National Housing Act is amended by striking out "to made" and inserting in lieu thereof "to make". 12 USC 1715z-6.

(12) Section 241(b)(1) of the National Housing Act is amended by striking out "of facility" and inserting in lieu thereof "or facility".

(13) Section 242(d)(3)(A) of the National Housing Act is amended by striking out the comma at the end thereof and inserting in lieu thereof a semicolon. 12 USC 1715z-7.

(14) Section 243(d)(2) of the National Housing Act is amended by redesignating subparagraphs (1) through (3) as subparagraphs (A) through (C), respectively. 12 USC 1715z-8.

(15) Section 243(j)(3)(ii) of the National Housing Act is amended by striking out the period at the end thereof and inserting in lieu thereof "; and".

(16) The fourth sentence of section 302(b)(2) of the National Housing Act is amended by striking out "Corporation" and inserting in lieu thereof "corporation". 12 USC 1717.

(17) The National Housing Act is amended by inserting the following section heading for section 512: "PENALTIES". 12 USC 1731a.

(18) The National Housing Act is amended by inserting the following section heading for the first section 513: "PROHIBITION AGAINST TRANSIENT HOUSING". 12 USC 1731b.

(19) The National Housing Act is amended by redesignating the second section 513 as section 513A. Any reference in any law, regulation, order, document, record, or other paper of the United States to the section redesignated in this paragraph hereby is deemed to refer to section 513A of the National Housing Act. 12 USC 1732. 12 USC 1732 note.

(20) The National Housing Act is amended by inserting the following section heading for section 515: "AMENDMENT, EXTENSION, OR INCREASE OF COMMITMENT AMOUNTS". 12 USC 1734.

(21) The National Housing Act is amended by inserting the following section heading for section 516: "PAYMENT OF CERTAIN FUNDS TO TREASURY". 12 USC 1735.

12 USC 1735f-5.
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(22) Section 527 of the National Housing Act is amended by inserting "(a)" after the section designation.

12 USC 1750c.

(23) The last sentence of section 904(d) of the National Housing Act is amended by striking out "auhorized" and inserting in lieu thereof "authorized".

42 USC 1437d.

(b)(1) The first sentence of section 6(a) of the United States Housing Act of 1937 is amended by striking out "convenants" and inserting in lieu thereof "covenants".

42 USC 1437*l*.

(2) Section 14(a) of the United States Housing Act of 1937 is amended by striking out the comma at the end of each of paragraphs (1) and (2) and inserting in lieu thereof a semicolon.

42 USC 1455.

(c)(1) The last sentence of section 105(f) of the Housing Act of 1949 is amended by striking out "Committees on Banking and Currency of the Senate and the House of Representatives" and inserting in lieu thereof the following: "Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

42 USC 1490c.

(2) Section 523(g) of the Housing Act of 1949 is amended by inserting "Housing" before "Land" the second place it appears.

42 USC 1490h.

(3) The Housing Act of 1949 is amended by inserting the following section heading for section 528: "TAXATION OF PROPERTY HELD BY SECRETARY".

12 USC 1749a.

(d) Section 402(a)(2) of the Housing Act of 1950 is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

12 USC 1701s.

(e) Section 101(j)(1)(D) of the Housing and Community Development Act of 1965 is amended by striking out "divided" and inserting in lieu thereof "dividend".

12 USC 1701x.

(f) The second sentence of section 106(b)(1) of the Housing and Urban Development Act of 1968 is amended by striking out "architectual" and inserting in lieu thereof "architectural".

42 USC 4016.

(g) The last sentence of section 1309(a) of the National Flood Insurance Act of 1968 is amended—

(1) by striking out "and Currency" and inserting in lieu thereof ", Finance and Urban Affairs"; and

(2) by inserting a comma after "Housing".

12 USC 1457.

(h) Section 308(f) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "United States Code" and inserting in lieu thereof "United States".

42 USC 4502.

(i) Section 702(d)(8) of the National Urban Policy and New Community Development Act of 1970 is amended by striking out "of" the last place it appears.

42 USC 4105.

(j) The last sentence of section 201(e) of the Flood Disaster Protection Act of 1973 is amended by striking out the quotation marks.

42 USC 5308.

(k)(1) The first sentence of section 108(h) of the Housing and Community Development Act of 1974 is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (j)".

42 USC 5317.

(2) Section 117(B) of the Housing and Community Development Act of 1974 is amended by striking out "of 1965 (Public Law 81–428;" and inserting in lieu thereof ", 1955 (Public Law 83–428;".

42 USC 5403.

(l) Section 604(e) of the National Manufactured Housing Construction and Safety Standards Act of 1974 is amended by striking out

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"than" the last place it appears and inserting in lieu thereof "that".

12 USC 2706.

(m)(1) Section 107 of the Emergency Homeowners' Relief Act is amended—

(A) by striking out "(a)(1)" and inserting in lieu thereof "(a)";

(B) by redesignating subparagraphs (A) through (C) of paragraph (1) as paragraphs (1) through (3), respectively;

(C) by redesignating paragraph (2) as subsection (b); and

(D) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively.

12 USC 2709.

(2) Section 110 of the Emergency Homeowners' Relief Act is amended by striking out the subsection designation.

(n)(1) Section 201(c) of the Housing and Community Development

Amendments of 1978 is amended by striking out "a" the first place it appears and inserting in lieu thereof "A". 12 USC 1715z-1a.

(2) Section 201(j) of the Housing and Community Development Amendments of 1978 is amended by striking out "236(f)(3)(B)" and inserting in lieu thereof "236(f)(3)".

(3) Section 209(d) of the Housing and Community Development Amendments of 1978 is amended by striking out "conjuction" and inserting in lieu thereof "conjunction". 12 USC 1701z-13.

(4) Section 905(b)(1) of the Housing and Community Development Amendments of 1978 is amended by inserting "of 1974" after "Act". 42 USC 3541.

AMENDMENT TO THE TRUTH IN LENDING ACT

SEC. 205. Section 125(e) of the Truth in Lending Act (15 U.S.C. 1635(e)) is amended—

(1) by striking out "(1)" after "(e)";

(2) by redesignating clauses (A) through (D) as clauses (1) through (4), respectively; and

(3) by striking out paragraph (2).

CREDIT UNION LOANS TO HOMEOWNERS

SEC. 206. Section 107(5)(A)(ii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(ii)) is amended to read as follows:

"(ii) a loan to finance the purchase of a mobile home, which shall be secured by a first lien on such mobile home, to be used by the credit union member as his residence, a loan for the repair, alteration, or improvement of a residential dwelling which is the residence of a credit union member, or a second mortgage loan secured by a residential dwelling which is the residence of a credit union member, shall have a maturity not to exceed fifteen years unless such loan is insured or guaranteed as provided in subparagraph (iii);".

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AMENDMENT TO THE FEDERAL HOME LOAN BANK ACT

SEC. 207. Section 5A(b)(1)(D) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)(1)(D)) is amended by striking out "solely to any of the obligations or other investments enumerated in subparagraphs (A) through (C)" and inserting in lieu thereof "solely to any of the obligations or other investments enumerated in subparagraphs (A) through (C), (F), and (G)".

Approved October 17, 1984.

LEGISLATIVE HISTORY—S. 2819:

HOUSE REPORT No. 98-1103 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  June 29, considered and passed Senate.
  Sept. 11, considered and passed House, amended.
  Oct. 2, House agreed to conference report.
  Oct. 3, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
  Oct. 17, Presidential statement.

INTERIOR ACTS

Public Law 98-219
98th Congress

98 STAT. 11

An Act

To declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes.

Feb. 17, 1984
[H.R. 2898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Paiute Indian Tribe of Utah.
Lands in trust.
25 USC 766 note.

SECTION 1. (a) Subject to subsection (d), all right, title, and interest of the United States in the lands described in subsection (b) (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the benefit of the respective bands of the Paiute Indian Tribe of Utah, as provided in subsection (b), and are declared to be part of the reservation of the Paiute Indian Tribe of Utah.

Publication in Federal Register.

(b) The lands subject to this section are parcels 1 through 5 of the lands depicted on the maps contained in the draft document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan", dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs. Upon enactment of this Act, the Secretary shall publish in the Federal Register the legal description of the lands so depicted. The Secretary is authorized to correct any technical errors in the descriptions of the subject lands. Such lands shall be held as follows:

(1) To be held in trust for the Kanosh Band of the Paiute Tribe of Utah: Parcel numbered 2, figure 5, page 95, containing approximately five hundred and sixty acres; parcel numbered 3, figure 6, page 99, containing approximately five hundred and two acres.

(2) To be held in trust for the Koosharem Band of the Paiute Tribe of Utah: Parcel numbered 4, figure 7, page 105, containing approximately five hundred and twenty acres; parcel numbered 5, figure 8, page 111, containing approximately seven hundred and fifteen acres.

(3) To be held in trust for the Cedar City Band of the Paiute Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately two thousand forty-four acres.

(4) To be held in trust for the Indian Peaks Band of the Paiute Indian Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately four hundred and twenty-four acres.

(c) Nothing in this section shall deprive any person of any existing legal right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the lands described in subsection (b).

25 USC 464, 465.

(d) Pursuant to the Act of June 14, 1934 (48 Stat. 985), the Secretary shall acquire, to the extent available, easements to and water rights for the lands described in subsection (b) as necessary for their use.

Consultations with local governmental entities.

(e) The Secretary shall consult with the town council of Joseph, Utah, and other appropriate local governmental entities prior to permitting the introduction of any point source of contamination pursuant to any proposed development on parcel numbered 4 as

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Town well, contamination.

described in subsection (b)(2). The Secretary shall require a minimum of one thousand five hundred feet distance be maintained from the town well of the town of Joseph and any such point source of contamination and may, if he determines it is necessary to prevent contamination of said well, require the installation of an appropriate waste water disposal system as part of any proposed development on parcel 4.

(f) Upon the effective date of this Act, all valid leases, permits, rights-of-way, or other land use rights or authorizations, except mining claims, existing on the date of enactment of this Act in the lands described in subsection (b), including the right to receive compensation for use of the lands, shall cease to be the responsibility of, or enure to the benefit of, the United States, and shall become the responsibility of the Paiute Indian Tribe which shall succeed to the interests of the United States and shall continue to maintain them under the same terms and conditions as they were maintained by the United States.

(g) All improvements on the lands described in subsection (b) in existence on the effective date of the Act, under the authority of the land use rights or authorizations described in subsection (c), shall remain in the same status as to ownership and right of use as existed prior to the date of enactment of this Act.

Mining claims.

(h) Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the lands described in subsection (b).

(i) The mining claims described in subsection (c) shall carry all the rights incident to mining claims, including the rights of ingress and egress over the land described in subsection (b). Such mining claims shall carry the right to occupy and use so much of the surface of the land within their boundaries as is required for all purposes reasonably necessary to mine and remove the minerals, including the removal of timber for mining purposes. Such mining claims shall terminate when they are determined invalid under subsection (j) or are abandoned.

Validity of claims.

(j) As soon as possible after enactment of this Act, the Secretary of the Interior shall determine the validity of the mining claims described in subsection (h) as of the date of enactment of this Act. Those mining claims which the Secretary determines to be valid shall be maintained thereafter in compliance with the mining laws of the United States but the holders of such claims shall not be entitled to a patent.

(k) Nothing in this Act shall prevent the Paiute Indian Tribe from negotiating the accommodation of land use rights or authorizations described in this section through any method acceptable to the parties.

25 USC 766 note.

SEC. 2. The lands which are declared to be held in trust for the benefit of the tribe or bands under this Act shall be subject to the laws of the United States relating to Indian land to the same extent and in the same manner as the lands comprising the reservation of the tribe or bands on the day before the date of the enactment of this Act.

National forest land.
25 USC 766 note.

SEC. 3. (a) The Secretary of Agriculture shall not deny the tribe or any member of the tribe the right to use and occupy, on a nonexclusive basis, the national forest land described in subsection (b) for religious and ceremonial purposes for such periods of time and under such reasonable terms and conditions as the Secretary may prescribe: *Provided,* That the Secretary shall permit the tribe to use and occupy, on an exclusive basis, so much of the national forest land in subsection (b) abutting Fish Lake as is necessary for such religious and ceremonial purposes during and including the second and third weeks of June and the first and second weeks of September of each year, under such reasonable terms and conditions as the Secretary may prescribe.

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(b) The land referred to in subsection (a) is the parcel of land depicted on the map contained in the document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan", dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs, as follows: Parcel numbered 6: Fish Lake; figure 9, page 117.

Fund establishment. 25 USC 766 note.

SEC. 4. (a) There is hereby established in the Treasury of the United States a fund to be known as the Paiute Indian Tribe of Utah Economic Development and Tribal Government Fund. This Fund shall be held in trust for the benefit of the tribe and administered in accordance with this Act.

Administration of Fund.

(b)(1) One-half of the principal of the Fund shall be designated as the Economic Development Fund and the remaining one-half as the Tribal Government Fund. Each portion of the Fund shall be administered by the Secretary in accordance with reasonable terms established by the tribe and agreed to by the Secretary. The Secretary shall not agree to terms which provide for the investment of the Fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. Until such terms have been agreed upon, the Secretary shall fix the terms for the administration of any portion of the Fund as to which there is no agreement.

25 USC 162a.

(2) Under no circumstances shall any part of the principal of the Fund be distributed to the tribe, or to any member of the tribe, nor shall income accruing to the Fund be used for per capita payments to any member of the tribe.

Income, payments.

(3) The Secretary shall make available to the tribe in quarterly payments, without any deductions, any income received from the investment of each fund. The use of the income from the Tribal Government Fund shall be free of regulation by the Secretary. The use of the income from the Economic Development Fund shall be consistent with an economic development plan developed by the tribe and approved by the Secretary. The Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing the reasons for his disapproval. With the approval of the Secretary, the tribe may alter the economic development plan subject to the conditions set forth in this section.

Appropriation authorization.

(c) There is authorized to be appropriated in fiscal year 1985 the sum of $2,500,000, which shall be deposited in the Fund. Not more than 5 per centum of any amount appropriated to the Fund under this section may be obligated or spent by the tribe under any contract or agreement relating to the employment of legal counsel.

Land transfer.

(d) The transfer of the approximately four thousand seven hundred and seventy acres of land and the appropriation of the $2,500,000 authorized by this Act shall be in complete fulfillment of the provisions of Public Law 96-227 relating to the enlargement of the tribe's reservation.

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25 USC 761 note.

Definitions. 25 USC 766 note.

SEC. 5. For purposes of this Act—

(1) the term "tribe" means the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah; and

(2) except where otherwise specified, the term "Secretary" means the Secretary of the Interior.

Use or distribution fund plans, validity.

SEC. 6. The plan for the use or distribution of funds awarded the Creek Nation in docket numbers 169 and 272 before the Indian Claims Commission and in docket numbers 277 and 309-74 before the United States Court of Claims, and the plan for the use and distribution of funds awarded the Sisseton-Wahpeton Sioux in docket numbered 363 before the United States Court of Claims, which were submitted to the Congress by the Department of the Interior for consideration under the provisions of the Judgment Fund Distribution Act of 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.) are hereby declared to be valid and effective as of the date of enactment of this Act and such plans are declared to have been validly submitted and are exempted from any further review.

Approved February 17, 1984.

LEGISLATIVE HISTORY—H.R. 2898:

HOUSE REPORT No. 98-414 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Oct. 24, considered and passed House.
Nov. 18, considered and passed Senate, amended.
Vol. 130 (1984): Feb. 7, House concurred in Senate amendment.

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98 STAT. 107

Public Law 98-244
98th Congress

An Act

Mar. 26, 1984
[H.R. 2809]

To establish a National Fish and Wildlife Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Fish and Wildlife Foundation Establishment Act.
16 USC 3701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act".

16 USC 3701.

SEC. 2. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Fish and Wildlife Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service; and

(2) to undertake and conduct such other activities as will further the conservation and management of the fish, wildlife, and plant resources of the United States, and its territories and possessions, for present and future generations of Americans.

16 USC 3702.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the "Board"), which shall consist of nine Directors, each of whom shall be a United States citizen and—

(1) six of whom must be knowledgeable or experienced in fish and wildlife conservation; and

(2) three of whom must be educated and experienced in the principles of fish and wildlife management.

The membership of the Board, to the extent practicable, shall represent diverse points of view relating to fish and wildlife conservation. The Director of the United States Fish and Wildlife Service shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) APPOINTMENT AND TERMS.—By December 31, 1984, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") shall appoint the Directors of the Board. The Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint three Directors to a term of two years, three Directors to a term of four years, and three Directors to a term of six years. A vacancy on the Board shall be filled within sixty days of said vacancy in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director.

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a two-year term.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS.—(1) The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this Act; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this Act.

(2) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

5 USC 5101 *et seq.*
5 USC 5331.
5 USC 5332.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who (i) shall serve, at the direction of the Board, as its chief operating officer, and (ii) shall be knowledgeable and experienced in matters relating to fish and wildlife conservation.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

16 USC 3703.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 2, the Foundation shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

98 STAT. 109

(1) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

Gifts and property.

For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(d) CERTAIN LANDS, WATERS, AND INTERESTS NOT SUBJECT TO CONDEMNATION.—No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Director of the United States Fish and Wildlife Service or the Migratory Bird Conservation Commission, as the case may be, to be valuable for purposes of fish and wildlife conservation or management shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

16 USC 3704.

SEC. 5. ADMINISTRATIVE SERVICES AND SUPPORT.

The Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 3, not to exceed then current Federal Government per diem rates, for a period of up to five years from the date of enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

16 USC 3705.

SEC. 6. VOLUNTEER STATUS.

The Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of the Interior, as volunteers in the performance of the functions authorized herein, in the manner provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

98 STAT. 110

16 USC 3706.

SEC. 7. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504, 36 U.S.C. 1101-1103), the Foundation shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threatens to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 8. UNITED STATES RELEASE FROM LIABILITY.

16 USC 3707.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

SEC. 9. AMENDMENT AND REPEAL.

16 USC 3708.

The Congress expressly reserves the right to repeal or amend this Act at any time.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

16 USC 3709.

For the ten-year period beginning on October 1, 1984, there are authorized to be appropriated to the Department of the Interior not to exceed $1,000,000 to be made available to the Foundation—

(1) to match, on a one-for-one basis, private contributions made to the Foundation; and

(2) to provide administrative services under section 5.

Approved March 26, 1984.

LEGISLATIVE HISTORY—H.R. 2809:

HOUSE REPORTS: No. 98-134, Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on Ways and Means).
SENATE REPORT No. 98-272 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 129 (1983): July 12, considered and passed House.
Nov. 2, considered and passed Senate, amended.
Vol. 130 (1984): Feb. 6, House concurred in Senate amendments and in another with an amendment.
Mar. 8, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 13:
Mar. 26, Presidential statement.

Public Law 98-327
98th Congress

98 STAT. 270

An Act

To authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.

June 25, 1984
[H.R. 1723]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE.

Section 4(4) of the Act entitled "An Act to establish the Great Dismal Swamp National Wildlife Refuge", approved August 30, 1974 (Public Law 93-402, 88 Stat. 802), as amended, is amended to read as follows:

92 Stat. 341.

"(4) for the period beginning October 1, 1977, $34,100,000, to remain available until expended, of which not to exceed

$22,000,000 shall be available for land acquisition and not to exceed $12,100,000 shall be available for purposes other than land acquisition.".

SEC. 2. MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE.

(a) Section 4(a)(1) of the Act entitled the "Minnesota Valley National Wildlife Refuge Act", approved October 8, 1976 (Public Law 97-466, 90 Stat. 1993), is amended by—

16 USC 668kk-668ss.

(1) striking "9,500" and inserting in lieu thereof "12,500"; and

(2) striking "November 1975" and inserting in lieu thereof "October 1983".

(b) Section 4(b)(1) of such Act of October 8, 1976 (90 Stat. 1993), is amended by—

(1) striking ", within 6 years after the date of enactment of this Act,"; and

(2) adding at the end thereof the following new sentence: "Notwithstanding any 'least interest' policy, the Secretary shall accept and acquire by donation any lands, water, and interests therein, within the boundaries of the refuge, which are offered as a donation by any State or local government agency, person, or private organization.".

(c) Section 10(a) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983" and inserting in lieu thereof "$29,500,000, to remain available until expended".

(d) Section 10(b) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986" and inserting in lieu thereof "$9,800,000, to remain available until expended".

SEC. 3. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

Section 5(1) of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (Public Law 92-330, 86 Stat. 400), as amended, is amended by striking out "the close of September 30, 1983;" and inserting in lieu thereof "expended;".

94 Stat. 607

98 STAT. 271

SEC. 4. PAYMENT OF COSTS FOR TEMPORARY CARE OF ANIMALS AND PLANTS PENDING DISPOSITION OF PROCEEDINGS.

Section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) and section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) are each amended—

(1) by amending the subsection side heading to read as follows: "Rewards and Certain Incidental Expenses.—"; and

(2) by amending the first sentence—

(A) by striking out "a reward" and inserting in lieu thereof a comma;

(B) by inserting "(1) a reward" immediately before "to any person"; and

(C) by inserting immediately before the period the following: ", and (2) the reasonable and necessary costs incurred by any person in providing temporary care for any fish, wildlife, or plant pending the disposition of any civil or criminal proceeding alleging a violation of this Act with respect to that fish, wildlife, or plant".

Approved June 25, 1984.

LEGISLATIVE HISTORY—H.R. 1723:

HOUSE REPORT No. 98-66 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-93 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Apr. 19, considered and passed House.
Nov. 17, considered and passed Senate, amended.
Vol. 130 (1984): Feb. 6, House concurred in Senate amendments and in another with an amendment.
June 8, Senate concurred in House amendment.

Public Law 98-357
98th Congress

98 STAT. 397

An Act

To establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

July 13, 1984
[H.R. 3825]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation. National Park System.

SECTION 1. (a) The Congress finds that—

(1) the Black Canyon of the Gunnison National Monument (hereafter in this Act referred to as the "Monument") is an integral and widely recognized part of the national park system, and possesses outstanding recreational opportunities and natural characteristics of high value which, if properly managed, contribute as an enduring resource for the benefit of the American people;

(2) the preservation of these valuable resources is significantly threatened by increased development activity and the subdivision of adjacent private lands;

(3) the Monument does not have a boundary established by legislation; and

(4) it is in the best interest of the United States to establish the boundary of the Monument so as to encompass the lands described as being within the Monument and those private lands posing the most immediate threat to the visual quality of the area.

(b) The purpose of this Act is to establish a boundary for the Monument in order to promote, perpetuate, and preserve the character of the land and to preserve scenic and historic resources.

Public availability. 16 USC 431 note.

SEC. 2. (a) The boundary of the Monument shall be as generally depicted on the map entitled "Boundary Map, Black Canyon of the Gunnison National Monument", dated February 1984, and numbered 144-80,010-B, which shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and in the office of the Park Superintendent, Black Canyon of the Gunnison National Monument.

(b) Not later than six months after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall file a legal description of the revised boundary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that corrections of clerical and typographical errors in such legal description (and in the map referred to in subsection (a)) may be made. Such legal descriptions shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 3. (a) The Secretary is authorized to acquire lands or interests therein within the boundary of the Monument by donation, exchange, or purchase with donated or appropriated funds. The Secre-

98 STAT. 398

tary may acquire less than fee interests in such lands in cases where such interest will adequately protect the visual quality, natural, or cultural resources of the Monument: *Provided*, That the Secretary shall not acquire lands in fee interest unless the owner of such land concurs with such action.

(b) All lands under the administrative jurisdiction of the Secretary within the boundary of the Monument as of the date of enactment of this Act, shall be transferred to the administrative jurisdiction of the National Park Service to be administered as a part of the Monument.

(c) Upon request by a landowner, and if determined by the Secretary that such action would not be detrimental to the visual resources of the Monument, the Secretary shall permit as a condition of the acquisition of any less than fee interest in land under this Act—

(1) livestock grazing to continue at the levels and locations customarily exercised by the owner of such land prior to August 1, 1983, and

(2) commonly accepted operation and maintenance practices supporting livestock grazing to continue to be allowed, including the maintenance of domestic, livestock and agricultural water conveyance systems, and the construction and maintenance of required fencing and stock ponds.

(d) Subject to valid existing rights, federally owned lands and interests therein within the Monument are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws. 30 USC 1001 note.

SEC. 4. The Secretary shall administer the Monument in accordance with the provisions of this Act and the provisions of law generally applicable to units of the National Park System including the Acts of August 25, 1916 (39 Stat. 535), and August 21, 1935 (49 Stat. 666). 43 USC 1457. 16 USC 461.

Effective date. Appropriation authorization.

SEC. 5. Effective October 1, 1984, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

Approved July 13, 1984.

LEGISLATIVE HISTORY—H.R. 3825:

HOUSE REPORT No. 98-608 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Mar. 5, considered and passed House.
  June 28, considered and passed Senate.

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98 STAT. 468

Public Law 98-366
98th Congress

An Act

July 17, 1984
[H.R. 5740]

Entitled, the "Barrow Gas Field Transfer Act of 1984".

Barrow Gas Field Transfer Act of 1984. Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The following may be cited as the "Barrow Gas Field Transfer Act of 1984".

SEC. 2. (a) The Secretary of the Interior (hereinafter "the Secretary") shall convey to the North Slope Borough the subsurface estate held by the United States to the Barrow gas fields and the Walakpa gas discovery site, related support facilities, other lands, interests, and funds in accordance with the terms and conditions of the agreement, including appendix numbered 1, between the Secretary of the Interior and the North Slope Borough dated September 22, 1983 (hereinafter "the NSB Agreement"), on file with the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee, which is hereby incorporated into this Act.

Research and development.

(b) Upon conveyance, the North Slope Borough is authorized, notwithstanding any other provision of law, to explore for, develop, and produce fluid hydrocarbons within the lands and interests granted: *Provided,* That section 301(a) of the NSB Agreement shall not reduce revenues which would otherwise be shared with the State of Alaska under the provisions of Public Law 96-514 by providing 94 Stat. 2957.

for the disposition of gas at less than the value referred to in section 301(d) of the NSB Agreement or as a result of the crediting provisions of section 301(a)(3) of the NSB Agreement.

49 USC app. 1671 note.

(c) The Barrow gas fields and related support facilities shall continue to be exempt from the Pipeline Safety Act, title 49 of the Code of Federal Regulations, and all other rules and regulations governing the design, construction, and operation of gas pipelines, wells, and related facilities.

42 USC 4321 note.

Fish and fishing.
Wildlife.
Cultural programs.
Historic preservation.

(d) The provisions of the National Environmental Policy Act shall apply to any land conveyance under section 203(b) of the NSB Agreement. During the NEPA process, the North Slope Borough shall consult with the United States Fish and Wildlife Service, the Alaska Department of Fish and Game, and the National Park Service concerning the fish, wildlife, cultural, and historic values of the area to be selected. The Secretary is authorized to approve or deny the selection. If denied, the North Slope Borough shall be entitled to identify an alternative site, which shall be subject to the review process set forth in this section.

42 USC 6504.

42 USC 6505.

16 USC 1276.

(e) The North Slope Borough shall not make a selection under section 203(b) of the NSB Agreement in areas designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 prepared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act.

98 STAT. 469

(f) Notwithstanding the time limit specified in the NSB Agreement, the North Slope Borough shall have ten years from the date of this Act to make its selection under section 203(b) of the NSB Agreement. If, within ninety days of the expiration of the ten-year period, or after the expiration of such period, the Secretary denies any selection, the North Slope Borough shall select an alternative site within ninety days of such denial. If an alternative site is denied, the selection and review process in this subsection shall be repeated until a site is approved by the Secretary.

Water.

(g) Notwithstanding any provision of the NSB Agreement, the North Slope Borough shall obtain the right to divert, use, appropriate, or possess water solely through compliance with applicable laws of the United States and the State of Alaska.

42 USC 6504.

42 USC 6505.

16 USC 1276.

(h) Notwithstanding any provision of the NSB Agreement, the right of the North Slope Borough to exploit gas and entrained liquid hydrocarbons from Federal test wells in the National Petroleum Reserve-Alaska shall not apply to test wells in areas designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 prepared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act.

42 USC 6504.

(i) The Secretary shall process any application submitted by the North Slope Borough under section 203(d) of the NSB Agreement for a right-of-way which crosses, in whole or in part, any lands within any area designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated

42 USC 6505.
16 USC 1276.
16 USC 3161.
42 USC 6504.

February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 prepared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act, under the provisions of title XI of the Alaska National Interest Lands Conservation Act. In processing any such application for a right-of-way which crosses, in whole or in part, any lands within any area designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976, the protection of the values and the continuation of the uses specified in section 104(b) of that Act shall be considered to be the purposes for which the area was established.

16 USC 3101 note.

(j) Nothing in this Act or in the NSB Agreement shall be construed as amending the provisions of the Alaska National Interest Lands Conservation Act or as amending or repealing any other provision of law applicable to any conservation system unit, as that term is defined in section 102(4) of that Act.

16 USC 3102.
Ukpeagvik Inupiat Corporation.

98 STAT. 470

Sec. 3. The Secretary of the Interior shall convey to Ukpeagvik Inupiat Corporation (hereinafter "UIC"), subject to valid existing rights, all right, title, and interest held by the United States to sand and gravel underlying the surface estate owned by UIC in the Barrow gas fields and Walakpa gas discovery site, upon execution of an easement agreement with the North Slope Borough, satisfactory to the North Slope Borough, in consideration for the conveyance to UIC of such sand and gravel, providing for easements, for all purposes associated with operation, maintenance, development, production, generation, or transportation of energy, including the transmission of electricity, from the Barrow gas fields, the Walakpa discovery site, or from any other source of energy chosen by the North Slope Borough, to supply energy to Barrow, Wainwright, and Atkasook, and providing such easements when and where required as determined by the North Slope Borough during the life of such fields or other energy sources.

43 USC 1761.
30 USC 185.

Sec. 4. (a) Section 102 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6502) is amended by adding "and the North Slope Borough" immediately after "Alaska Natives", by deleting "and" immediately after "responsibilities under this Act,", and by replacing the period following "Alaska Native Claims Settlement Act" with ", and (4) grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 or section 28 of the Mineral Leasing Act, as amended, as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope."

(b) Section 104(e) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504(e)) is repealed effective October 1, 1984.

Arctic Slope Regional Corporation.
94 Stat. 2533.

Sec. 5. (a) In consideration for the relinquishment of rights that Arctic Slope Regional Corporation has under section 1431(o) of the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371, 2541, to the subsurface resources in the Barrow gas fields and the Walakpa gas discovery site conveyed to the North Slope Borough and Ukpeagvik Inupiat Corporation pursuant to sections 2 and 3 of this Act, the Secretary of the Interior and Arctic Slope Regional Corporation are authorized to exchange lands and interests as set forth in the separate agreement between the Secretary and Arctic Slope Regional Corporation dated January 24, 1984 (hereinafter "the ASRC Agreement"), on file with the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee. The specific terms, conditions, and covenants of the ASRC Agreement are hereby incorporated into this Act and ratified, as to the rights, duties, and obligations of the United States and Arctic Slope Regional Corporation and as to the rights and interests of the North Slope Borough, as a matter of Federal law.

(b) Notwithstanding the provisions of paragraph 4 of the ASRC

Agreement, in lieu of the additional 69,120 acres of subsurface estate to be identified by ASRC pursuant to said paragraph 4, ASRC shall identify for conveyance or relinquishment to the United States, as appropriate, the 101,272 acres of subsurface estate beneath the surface estate of the lands described in subparagraphs 2 (a), (b) and (d) of the August 9, 1983 agreement between Arctic Slope Regional Corporation and the United States of America.

98 STAT. 471

(c) To the extent that any provision or interpretation of the NSB Agreement is inconsistent with the provisions of this section or the ASRC Agreement, the provisions of this section and of the ASRC Agreement shall prevail.

Arctic Slope Regional Corporation.

(d) All of the lands, or interest therein, conveyed to and received by Arctic Slope Regional Corporation pursuant to this section or the ASRC Agreement and pursuant to the August 9, 1983 agreement between Arctic Slope Regional Corporation and the United States of America shall, in addition to other applicable authority, be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)).

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 5740:

HOUSE REPORT No. 98-843 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 18, considered and passed House.
June 28, considered and passed Senate.

Public Law 98-381
98th Congress

98 STAT. 1333

An Act

To authorize the Secretary of the Interior to construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes.

Aug. 17, 1984
[S. 268]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hoover Power Plant Act of 1984.
Energy.
43 USC 619 note.

SECTION 1. This Act may be cited as the "Hoover Power Plant Act of 1984".

TITLE I

43 USC 619.

SEC. 101. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter in this Act referred to as "uprating program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter in this Act referred to as "visitor facilities program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 102. (a) Section 403(b) of the Colorado River Basin Project Act of 1968 (82 Stat. 894, as amended, 43 U.S.C. 1543) is amended by inserting "(1)" after "(b)" and adding the following new paragraph at the end thereof:

43 USC 1528.

"(2) Except as provided in subsection 309(b), as amended, sums advanced by non-Federal entities for the purpose of carrying out the

43 USC 1521.

provisions of title III of this Act shall be credited to the development fund and shall be available without further appropriation for such purpose.".

(b) Paragraph (1) of section 403(c) of the Colorado River Basin Project Act of 1968 (82 Stat. 894, as amended, 43 U.S.C. 1543(c)) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona project;".

43 USC 1543.

(c) Paragraph (2) of section 403(c) is revised by inserting immediately preceding the existing proviso: "*Provided, however,* That for the Boulder Canyon project commencing June 1, 1987, and for the Parker-Davis project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona project described in section 301(a) of this Act, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided further,* That after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:".

43 USC 1521.

98 STAT. 1334

SEC. 103. (a) The Boulder Canyon Project Act of 1928 (45 Stat. 1057, as amended, 43 U.S.C. 617 et seq.), as amended and supplemented, is further amended:

43 USC 617a.

(1) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

43 USC 617b.

(2) In section 3, by deleting "$165,000,000." and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the uprating program and the visitor facilities program.".

43 USC 617 note.

(b) Except as amended by this Act, the Boulder Canyon Project Act of 1928 (45 Stat. 1057, as amended, 43 U.S.C. 617 et seq.), as amended and supplemented, shall remain in full force and effect.

SEC. 104. (a) The Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774, as amended, 43 U.S.C. 618), as amended and supplemented, is further amended:

43 USC 618.

(1) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a) and inserting in lieu thereof "beginning June 1, 1937".

(2) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(3) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and", and by adding after subsection (d) the following new subsection (e):

"(e) To provide, by application of the increments to rates specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented, revenues, from and after June 1, 1987, for application to the purposes there specified.".

43 USC 1543.

(4) In section 2:

43 USC 618a.

(i) by deleting the first sentence and subsection (a) and inserting in lieu thereof: "All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

"(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations Acts;" and

(ii) by amending subsection (e) to read as follows:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act.".

43 USC 1541.
43 USC 618.

(5) By deleting the final period at the end of section 6 and inserting in lieu thereof the following: ": *Provided,* That the respective rates of interest on appropriated funds advanced for the visitor facilities program, as described in section 101(a) of the Hoover Power Plant Act of 1984, shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the program during the month preceding the fiscal year in which the costs of the program are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish for repayment purposes an interest rate at a weighted average of the rates so determined.".

43 USC 618e.
Ante, p. 1333.

(6) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

43 USC 618k.

(b) Except as amended by this Act, the Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774, as amended, 43 U.S.C. 618), as amended and supplemented, shall remain in full force and effect.

43 USC 618 note.
43 USC 618o.

Sec. 105. (a)(1) The Secretary of Energy shall offer:

Contracts with U.S.
43 USC 619a.

(A) To each contractor for power generated at Hoover Dam a renewal contract for delivery commencing June 1, 1987, of the amount of capacity and firm energy specified for that contractor in the following table:

SCHEDULE A

Long Term Contingent Capacity and Associated Firm Energy Reserved for Renewal Contract Offers to Current Boulder Canyon Project Contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		Total
		Summer	Winter	
Metropolitan Water District of Southern California.	247,500	904,382	387,592	1,291,974
City of Los Angeles	490,875	488,535	209,658	698,193
Southern California Edison Company	277,500	175,486	75,208	250,694
City of Glendale	18,000	47,398	20,313	67,711
City of Pasadena	11,000	40,655	17,424	58,079
City of Burbank	5,125	14,811	6,347	21,158
Arizona Power Authority	189,000	452,192	193,797	645,989
Colorado River Commission of Nevada.	189,000	452,192	193,797	645,989
United States, for Boulder City	20,000	56,000	24,000	80,000
Totals	1,448,000	2,631,651	1,128,136	3,759,787

98 STAT. 1336 (B) To purchasers in the States of Arizona, Nevada and California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act, contracts for delivery commencing June 1, 1987, or as it thereafter becomes available, of capacity resulting from the uprating program and for delivery commencing June 1, 1987, of associated firm energy as specified in the following table:

43 USC 617d.

SCHEDULE B

CONTINGENT CAPACITY RESULTING FROM THE UPRATING PROGRAM AND ASSOCIATED FIRM ENERGY

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Arizona	188,000	148,000	64,000	212,000
California	127,000	99,850	43,364	143,214
Nevada	188,000	288,000	124,000	412,000
Totals	503,000	535,850	231,364	767,214

Provided, however, That in the case of Arizona and Nevada, such contracts shall be offered to the Arizona Power Authority and the Colorado River Commission of Nevada, respectively, as the agency specified by State law as the agent of such State for purchasing power from the Boulder Canyon project: *Provided further,* That in the case of California, no such contract under this subparagraph (B) shall be offered to any purchaser who is offered a contract for capacity exceeding 20,000 kilowatts under subparagraph (A) of this paragraph.

(C) To the Arizona Power Authority and the Colorado River Commission of Nevada and to purchasers in the State of California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act, contracts for delivery commencing June 1, 1987, of such energy generated at Hoover Dam as is available respectively to the States of Arizona, Nevada, and California in excess of 4,501.001 million kilowatthours in any year of operation (hereinafter called excess energy) in accordance with the following table:

98 STAT. 1337

SCHEDULE C

EXCESS ENERGY

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: *Provided, however,* That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in the amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under schedule A of section 105(a)(1)(A) and under schedule B of section 105(a)(1)(B) not exceeding 26 million kilowatthours in each year of operation.	....
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, California

(2) The total obligation of the Secretary of Energy to deliver firm energy pursuant to schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B) is 4,527.001 million kilowatthours in each year of operation. To the extent that the actual generation at Hoover

Powerplant in any year of operation (less deliveries thereof to Arizona required by its first priority under schedule C of section 105(a)(1)(C) whenever actual generation in any year of operation is in excess of 4,501.001 million kilowatthours) is less than 4,527.001 million kilowatthours, such deficiency shall be borne by the holders of contracts under said schedules A and B in the ratio that the sum of the quantities of firm energy to which each contractor is entitled pursuant to said schedules bears to 4,527.001 million kilowatthours. At the request of any such contractor, the Secretary of Energy will purchase energy to meet that contractor's deficiency at such contractor's expense.

(3) Subdivision E of the "General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects" published in the Federal Register May 9, 1983 (48 Federal Register commencing at 20881), hereinafter referred to as the "Criteria" or as the "Regulations" shall be deemed to have been modified to conform to this section. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of said Regulations to such modifications.

Federal Register, publication.

(4) Each contract offered under subsection (a)(1) of this section shall:

(A) expire September 30, 2017;

(B) not restrict use to which the capacity and energy contracted for by the Metropolitan Water District of Southern California may be placed within the State of California: *Provided*, That to the extent practicable and consistent with sound water management and conservation practice, the Metropolitan Water District of Southern California shall use such capacity and energy to pump available Colorado River water prior to using such capacity and energy to pump California State water project water; and

(C) conform to the applicable provisions of subdivison E of the Criteria, commencing at 48 Federal Register 20881, modified as provided in this section. To the extent that said provisions of the Criteria, as so modified, are applicable to contracts entered into under this section, those provisions are hereby ratified.

(b) Nothing in the Criteria shall be construed to prejudice any rights conferred by the Boulder Canyon Project Act, as amended and supplemented, on the holder of a contract described in subsection (a) of this section not in default thereunder on September 30, 2017.

43 USC 617t.

(c)(1) The Secretary of Energy shall not execute a contract described in subsection (a)(1)(A) of this section with any entity which is a party to the action entitled the "State of Nevada, et al. against the United States of America, et al." in the United States District Court for the District of Nevada, case numbered CV LV '82 441 RDF, unless that entity agrees to file in that action a stipulation for voluntary dismissal with prejudice of its claims, or counterclaims, or crossclaims, as the case may be, and also agrees to file with the Secretary a document releasing the United States, its officers and agents, and all other parties to that action who join in that stipulation from any claims arising out of the disposition under this section of capacity and energy from the Boulder Canyon project. The Attorney General shall join on behalf of the United States, its officers and agents, in any such voluntary dismissal and shall have the authority to approve on behalf of the United States the form of each release.

(2) If after a reasonable period of time as determined by the Secretary, the Secretary is precluded from executing a contract with an entity by reason of paragraph (1) of this subsection, the Secretary shall offer the capacity and energy thus available to other entities in the same State eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act.

43 USC 617d.

(d) The uprating program authorized under section 101(a) of this Act shall be undertaken with funds advanced under contracts made with the Secretary of the Interior by non-Federal purchasers described in subsection (a)(1)(B) of this section. Funding provided by non-Federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(e) Notwithstanding any other provisions of the law, funds advanced by non-Federal purchasers for use in the uprating program shall be deposited in the Colorado River Dam Fund and shall be available for the uprating program.

(f) Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate-setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the uprating program.

(g) The provisions of this section constitute an exercise by the Congress of the right reserved by it in section 5(b) of the Boulder Canyon Project Act, as amended and supplemented, to prescribe terms and conditions for the renewal of contracts for electrical energy generated at Hoover Dam. This section constitutes the exclusive method for disposing of capacity and energy from Hoover Dam for the period beginning June 1, 1987, and ending September 30, 2017.

98 STAT. 1339

43 USC 617t.
43 USC 618o.

(h)(1) Notwithstanding any other provision of law, any claim that the provisions of subsection (a) of this section violates any rights to capacity or energy from the Boulder Canyon project is barred unless the complaint is filed within one year after the date of enactment of this Act in the United States Claims Court which shall have exclusive jurisdiction over this action. Any claim that actions taken by any administrative agency of the United States violates any right under this title or the Boulder Canyon Project Act or the Boulder Canyon Project Adjustment Act is barred unless suit asserting such claim is filed in a Federal court of competent jurisdiction within one year after final refusal of such agency to correct the action complained of.

(2) Any contract entered into pursuant to section 105 or section 107 of this Act shall contain provisions by which any dispute or disagreement as to interpretation or performance of the provisions of this title or of applicable regulations or of the contract may be determined by arbitration or court proceedings. The Secretary of Energy or the Secretary of the Interior, as the case may be, if authorized to act for the United States in such arbitration or court proceedings and, except as provided in paragraph (1) of this subsection, jurisdiction is conferred upon any district court of the United States of proper venue to determine the dispute.

(i) It is the purpose of subsections (c), (g), and (h) of this section to ensure that the rights of contractors for capacity and energy from the Boulder Canyon project for the period beginning June 1, 1987, and ending September 30, 2017, will vest with certainty and finality.

43 USC 619b.

SEC. 106. Reimbursement of funds advanced by non-Federal purchasers for the uprating program shall be a repayment requirement of the Boulder Canyon project beginning with the first day of the month following completion of each segment thereof. The cost of the visitor facilities program as defined in section 101(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

Navajo generating station.
42 USC 7133 note.
43 USC 1571.

SEC. 107. (a) Subject to the provisions of any existing layoff contracts, electrical capacity and energy associated with the United States' interest in the Navajo generating station which is in excess of the pumping requirements of the Central Arizona project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act of 1974, as amended (hereinafter in this Act referred to as "Navajo surplus") shall be marketed and exchanged by the Secretary of Energy pursuant to this section.

(b) Navajo surplus shall be marketed by the Secretary of Energy pursuant to the plan adopted under subsection (c) of this section, directly to, with or through the Arizona Power Authority and/or other entities having the status of preference entities under the reclamation law in accordance with the preference provisions of section 9(c) of the Reclamation Project Act of 1939 and as provided in part IV, section A of the Criteria. 43 USC 485h. 48 FR 20883.

(c) In the marketing and exchanging of Navajo surplus, the Secretary of the Interior shall adopt the plan deemed most acceptable, after consultation with the Secretary of Energy, the Governor of Arizona, and the Central Arizona Water Conservation District (or its successor in interest to the repayment obligation for the Central Arizona project), for the purposes of optimizing the availability of Navajo surplus and providing financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona project. The Secretary of the Interior, in concert with the Secretary of Energy, in accordance with section 14 of the Reclamation Project Act of 1939, shall grant electrical power and energy exchange rights with Arizona entities as necessary to implement the adopted plan: *Provided, however,* That if exchange rights with Arizona entities are not required to implement the adopted plan, exchange rights may be offered to other entities.

98 STAT. 1340

43 USC 389.

(d) For the purposes provided in subsection (c) of this section, the Secretary of Energy, or the marketing entity or entities under the adopted plan, are authorized to establish and collect or cause to be established and collected, rate components, in addition to those currently authorized, and to deposit the revenues received in the Lower Colorado River Basin Development Fund to be available for such purposes and if required under the adopted plan, to credit, utilize, pay over directly or assign revenues from such additional rate components to make repayment and establish reserves for repayment of funds, including interest incurred, to entities which have advanced funds for the purposes of subsection (c) of this section: *Provided, however,* That rates shall not exceed levels that allow for an appropriate saving for the contractor.

(e) To the extent that this section may be in conflict with any other provision of law relating to the marketing and exchange of Navajo surplus, or to the disposition of any revenues therefrom, this section shall control.

Report.

SEC. 108. Recognizing the expiration of Colorado River storage project (CRSP) contracts in 1989, prior to final reallocation of CRSP power pursuant to existing law, and within one year after enactment of this Act, the Secretary of Energy, acting through the Western Area Power Administration, shall report, to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on all Colorado River storage project (CRSP) power resources, including those presently allocated to the Lower Division States, which may be used to financially support the development of authorized projects in the States of the Upper Division (as that term is used in article II of the Colorado River Compact) of the Colorado River Basin.

Fish and fishing.
16 USC 839b note.
43 USC 371 note.
16 USC 839 note.

SEC. 109. The Secretary of the Interior, acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and in accordance with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) is authorized to design, construct, operate, and maintain fish passage facilities within the Yakima River Basin, and to accept funds from any entity, public or private, to design, construct, operate, and maintain such facilities.

TITLE II

Contracts with U.S.
Conservation.
42 USC 7274.

SEC. 201. (a) Each long-term firm power service contract entered into or amended subsequent to one year from the date of enactment of this Act by the Secretary of Energy acting by and through the Western Area Power Administration (hereinafter "Western"), shall contain an article requiring the development and implementation by the purchaser thereunder of an energy conservation program. A long-term firm power service contract is any contract for the sale by Western of firm capacity, with or without energy, which is to be

98 STAT. 1341 delivered over a period of more than one year. The term "purchaser" includes parent-type entities and their distribution or user members. If more than one such contract exists with a purchaser, only one program will be required for that purchaser. Each such contract article shall—

(1) contain time schedules for meeting program goals and delineate actions to be taken in the event such schedules are not met, which may include a reduction of the allocation of capacity or energy to such purchaser as would otherwise be provided under such contract; and

(2) provide for review and modification of the energy conservation program at not to exceed five year intervals.

(b) For purposes of this title, an energy conservation program shall--

(1) apply to all uses of energy and capacity which are provided from any Federal project;

(2) contain definite goals;

(3) encourage customer consumption efficiency improvements and demand management practices which ensure that the available supply of hydroelectric power is used in an economically efficient and environmentally sound manner.

Regulations.
42 USC 7275.

SEC. 202. (a) Within one year after the date of enactment of this Act, Western shall amend its existing regulations (46 Fed. Reg. 56140) to reflect—

(1) the elements to be considered in the energy conservation programs required by this title, and

(2) Western's criteria for evaluating and approving such programs.

Public information.
5 USC note prec. 551.

Such amended regulations shall be promulgated only after public notice and opportunity to comment in accordance with the Administrative Procedure Act (5 U.S.C. 551-706).

(b) The following elements shall be considered by Western in evaluating energy conservation programs:

(1) energy consumption efficiency improvements;
(2) use of renewable energy resources in addition to hydroelectric power;
(3) load management techniques;
(4) cogeneration;
(5) rate design improvements, including—
  (i) cost of service pricing;
  (ii) elimination of declining block rates;
  (iii) time of day rates;
  (iv) seasonal rates; and
  (v) interruptible rates; and
(6) production efficiency improvements.

(c) Where a purchaser is implementing one or more of the forego- 98 STAT. 1342 ing elements under a program responding to Federal, State, or other initiatives that apply to conservation and renewable energy development, in evaluating that purchaser's energy conservation program submitted pursuant to this title, Western shall make due allowance for the incorporation of such elements within the energy conservation program required by this title.

Approved August 17, 1984.

LEGISLATIVE HISTORY—S. 268 (H.R. 4275):

HOUSE REPORT No. 98-648 accompanying H.R. 4275 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-137 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
  Vol. 129 (1983): Aug. 4, considered and passed Senate.
  Vol. 130 (1984): May 3, H.R. 4275 considered and passed House; S. 268, amended, passed in lieu.
    July 26, 27, 30, 31 considered and concurred in House amendments.

Public Law 98-398
98th Congress

98 STAT. 1456

An Act

To establish the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois, and for other purposes.

Aug. 24, 1984
[S. 746]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Illinois and Michigan Canal National Heritage Corridor Act of 1984. Conservation. Historic preservation. 16 USC 461 note.

SHORT TITLE

SEC. 101. This title may be cited as the "Illinois and Michigan Canal National Heritage Corridor Act of 1984".

FINDINGS; PURPOSE

16 USC 461 note.

SEC. 102. (a) FINDINGS.—The Congress makes the following findings:

(1) An abundance of sites and structures within the corridor defined by the Illinois and Michigan Canal from Chicago, Illinois, to LaSalle-Peru, Illinois, symbolize in physical form the cultural evolution from prehistoric aboriginal tribes living in naturally formed ecosystems through European exploration, nineteenth century settlement, commerce, and industry right up to present-day social patterns and industrial technology.

(2) The corridor has become one of the most heavily industrialized regions of the Nation and has potential for further economic expansion and modernization. The area in which the corridor is located is currently experiencing high rates of unemployment and industrial migration. Establishment of the corridor as provided in this Act may provide the stimulus required to retain existing industry and to provide further industrial growth and commercial revitalization.

(3) Despite efforts by the State, political subdivisions of the State, volunteer associations, and private business, the cultural, historical, natural, and recreational resources of the corridor have not realized full potential social value and may be lost without assistance from the Federal Government.

(b) PURPOSE.—It is the purpose of this title to retain, enhance, and interpret, for the benefit and inspiration of present and future generations, the cultural, historical, natural, recreational, and economic resources of the corridor, where feasible, consistent with industrial and economic growth.

DEFINITIONS

16 USC 461 note.

SEC. 103. For purposes of this title—

(1) the term "canal" means the Illinois and Michigan Canal, as depicted on the map referred to in section 104(b);

98 STAT. 1457

(2) the term "Commission" means the Illinois and Michigan Canal National Heritage Corridor Commission established in section 105;

(3) the term "corridor" means the Illinois and Michigan Canal National Heritage Corridor established in section 104(a);

(4) the term "Governor" means the Governor of the State of Illinois;

(5) the term "National Park Service report" means the report of the National Park Service, dated November 1981, which contains a conceptual plan and implementation strategies for the corridor;

(6) the term "plan" means the goals, objectives, and action statements of the conceptual plan which—

(A) is contained in the National Park Service report; and

(B) may be modified by the Commission under section 108(h);

(7) the term "political subdivision of the State" means any political subdivision of the State of Illinois, any part of which is located in or adjacent to the corridor, including counties, townships, cities, towns, villages, park districts, and forest preserve districts;

(8) the term "Secretary" means the Secretary of the Interior; and

(9) the term "State" means the State of Illinois.

ESTABLISHMENT, BOUNDARIES, AND ADMINISTRATION OF CORRIDOR

16 USC 461 note.

SEC. 104. (a) ESTABLISHMENT.—To carry out the purpose of this title, there is established the Illinois and Michigan Canal National Heritage Corridor.

(b) BOUNDARIES.—(1) The corridor shall consist of the areas depicted on the map dated May 1983, and numbered IMC-80,000, entitled "Illinois and Michigan Canal National Heritage Corridor". Such map shall be on file and available for public inspection in the offices of the Commission and in the offices of the National Park Service.

Public availability.

(2) Upon a request of the Commission signed by not less than twelve members of the Commission, the Secretary may make minor revisions in the boundaries of the corridor. Any such revision shall take effect upon publication by the Secretary in the Federal Register of a revised boundary map.

Effective date. Federal Register, publication.

(c) ADMINISTRATION.—The corridor shall be administered in accordance with this Act.

ESTABLISHMENT OF ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

16 USC 461 note.

SEC. 105. There is established a commission to be known as the Illinois and Michigan Canal National Heritage Corridor Commission which shall carry out the duties specified in section 109.

ORGANIZATION OF COMMISSION

16 USC 461 note.

SEC. 106. (a) MEMBERSHIP.—The Commission shall be composed of nineteen members as follows:

(1) The Director of the National Park Service, ex officio, or a delegate.

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(2) Three individuals, nominated by the Governor and appointed by the Secretary, who will represent the interests of State and local government.

(3) One member of the board of a forest preserve district, any part of which is located in or adjacent to the corridor, who shall be nominated by the Governor and appointed by the Secretary. Appointments made under this paragraph shall rotate among the three forest preserve districts, parts of which are located in the corridor, in a manner which will ensure fairly equal representation on the Commission for each such district.

(4) One member of the county board of each county, any part of which is located in the corridor (other than the county which is represented on the Commission by the member appointed under paragraph (5)), who shall be nominated by the Governor and appointed by the Secretary.

(5) Five individuals, nominated by the Governor and appointed by the Secretary, who will represent the interests of history, archaeology, and historic preservation; of recreation; and of conservation.

(6) Five individuals, nominated by the Governor and appointed by the Secretary, who will represent the interests of business and industry.

The Secretary may request that additional names be submitted for members appointed pursuant to paragraphs (2) through (6). Members appointed under paragraphs (5) and (6) shall be selected with due consideration to equitable geographic distribution. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of three years.

(2) Of the members of the Commission first appointed under paragraphs (2), (3), (4), (5), and (6) of subsection (a)—

(A) six shall be appointed for terms of one year;

(B) six shall be appointed for terms of two years; and

(C) six shall be appointed for terms of three years, as designated by the Governor at the time of nomination.

(3) Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

(c) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) CHAIRPERSON.—(1) The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under paragraphs (5) and (6) of subsection (a).

(2)(A) Except as provided in subparagraph (B), the term of the chairperson shall be two years.

(B) If a member is appointed to a term on the Commission which is less than two years and is elected chairperson of the Commission, then such member's term as chairperson shall expire at the end of such member's term on the Commission.

(e) QUORUM.—(1) Ten members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(3) The affirmative vote of not less than ten members of the Commission shall be required to approve the budget of the Commission.

(f) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or ten of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

STAFF OF COMMISSION

SEC. 107. (a) DIRECTOR AND STAFF.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for level GS–15 of the General Schedule. 16 USC 461 note. 5 USC 5332 note.

(2) The Commission may appoint such additional staff personnel as the Commission considers appropriate and may pay such staff at rates not to exceed the minimum rate of basic pay payable for level GS–15 of the General Schedule. Such staff may include specialists in areas such as interpretation, historic preservation, recreation, con-

servation, commercial and industrial development and revitalization, financing, and fundraising.

(3) Except as otherwise provided in this subsection, such Director and staff—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

5 USC 5101 *et seq.*, 5331.

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties under section 109.

(2) The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

POWERS OF COMMISSION

16 USC 461 note.

SEC. 108. (a) HEARINGS.—(1) The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

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(2) The Commission may not issue subpenas or exercise any subpena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF APPROPRIATED AMOUNTS TO OBTAIN FEDERAL FUNDING.—Notwithstanding any other provision of law, for purposes of any law conditioning the receipt of Federal funding on a non-Federal contribution, any portion of the amounts appropriated pursuant to section 116 of this title may, at the election of the Commission, be used as such non-Federal contribution.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

26 USC 170.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1954, any gift to the Commission shall be deemed to be a gift to the United States.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c) of this section, the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3) of this subsection, the Commission may acquire real property, or interests in real property, in the corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land managing agency with the consent of such agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes, consistent with the plan.

(h) MODIFICATION OF PLAN.—The Commission may modify the plan if the Commission determines that such modification is necessary to carry out the purpose of this Act. No such modification shall take effect until—

(1) the State and any political subdivision of the State which would be affected by such modification receives notice of such modification; and

(2) if such modification is significant (as determined by the Commission) the Commission—

(A) provides adequate notice (as determined by the Commission) of such modification by publication in the area of the corridor; and

(B) conducts a public hearing with respect to such modification.

(i) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, such political subdivision, or such person which may affect the implementation of the plan.

(j) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the State, political subdivisions of the State, and interested persons.

DUTIES OF COMMISSION

SEC. 109. (a) IMPLEMENTATION OF PLAN.—The Commission shall implement and support the plan as follows: 16 USC 461 note.

(1)(A) The Commission shall assist the State, any political subdivision of the State, or any nonprofit organization in the appropriate preservation treatment and renovation (in accordance with the plan) of structures of the canal.

(B) In providing such assistance, the Commission shall in no way infringe upon the authorities and policies of the State or of any political subdivision of the State concerning the management of canal property.

(C) In providing such assistance or in carrying out any other provision of this Act, the Commission shall not be required to adopt the specifics recommended in the Historic American Engineering Record study published in April 1981.

(2)(A) The Commission shall assist the State or any political subdivision of the State in establishing and maintaining intermittent recreational trails which are compatible with economic development interests in the corridor.

(B) In providing such assistance, the Commission shall in no way infringe upon the authorities and policies of the State or of any political subdivision of the State.

(3) The Commission shall encourage private owners of property which is located in or adjacent to the corridor to retain voluntarily, as a good neighbor policy, a strip of natural vegetation as a visual screen and natural barrier between recreational trails established under paragraph (2) and development in the corridor.

(4) The Commission shall assist in the preservation and enhancement of Natural Areas Inventory, prepared by the Illinois Department of Conservation—

(A) by encouraging private owners of such natural areas to adopt voluntary measures for the preservation of such natural areas; or

(B) by cooperating with the State or any political subdivision of the State in acquiring, on a willing seller basis, any such natural area.

In providing such assistance, the Commission shall in no way infringe upon the authorities and policies of the State or of any political subdivision of the State.

98 STAT. 1462

(5) The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, architectural, and engineering structures in the corridor and the archaeological and geological resources and sites in the corridor—

(A) by consulting with the Secretary with respect to inventories to be completed by the Secretary under section 112(1);

(B) by encouraging private owners of structures, sites, and resources identified in such inventories to adopt voluntary measures for the preservation of such structures, sites, and resources; or

(C) by cooperating with the State or any political subdivision of the State in acquiring, on a willing seller basis, any structure, site, or resource so identified.

(6) The Commission may assist the State, any political subdivision of the State, or any nonprofit organization in the restoration of any historic building in the corridor.

Such assistance may include providing technical staff assistance for historic preservation and revitalization efforts.

(7) The Commission shall assist in the interpretation of the cultural and natural resources of the corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 112(2);

(B) by establishing visitor orientation centers in the corridor;

(C) by encouraging voluntary cooperation and coordination between the Federal Government, the State, political subdivisions of the State, and nonprofit organizations with respect to ongoing interpretative services in the corridor; and

(D) by encouraging the State, political subdivisions of the State, and nonprofit organizations to undertake new interpretative initiatives with respect to the corridor.

(8) The Commission shall assist in establishing recognition for the corridor by actively promoting the cultural, historical, natural, and recreational resources of the corridor on a community, regional, statewide, national, and international basis.

(b) Encouragement of Economic and Industrial Development.—The Commission shall encourage, by appropriate means, enhanced economic and industrial development in the corridor consistent with the goals of the plan.

(c) Access Routes and Traffic.—The Commission shall take appropriate action to ensure that—

(1) access routes to the canal and related sites are clearly identified; and

(2) traffic in the corridor is routed away from industrial access routes and sites.

(d) Protective Features.—(1) The Commission may finance the installation of a fence, warning sign, or other protective feature in the corridor by the State, by any political subdivision of the State, or by any person if such fence, sign, or other feature is approved by the Commission, any affected governmental body, and the owner and any user of property located adjacent to the property on which such fence, sign, or other feature is to be installed.

(2) The Commission shall not require the installation of any fence, warning sign, or other protective feature.

(e) REDUCING EXCESSIVE LIABILITY.—The Commission shall encourage the State to take appropriate action to ensure that owners and users of property located in or adjacent to the corridor will not be subject to excessive liability with respect to activities which are carried out by such owners and users on such property and which affect persons and property in the corridor.

98 STAT. 1463

(f) ANNUAL REPORTS.—Not later than May 15 of each year (other than the year in which this Act is enacted) the Commission shall publish and submit an annual report concerning the Commission's activities to the Governor and to the Secretary.

RESTRICTIONS ON COMMISSION

16 USC 461 note.

SEC. 110. (a) RESTRICTIONS ON COMMISSION'S DEVELOPMENT.—(1) The Commission may not develop any site or structure in any area described in paragraph (2) unless such development involves the restoration, rehabilitation, or preservation of a facility existing on the date of the enactment of this Act.

(2) The areas referred to in paragraph (1) are the following areas:

(A) Any area in the corridor designated by the political subdivision of the State which has primary responsibility for regulating land use in such areas (as determined by the Commission) as suitable for industrial development. Areas so designated may include any area adjacent to the Illinois and Michigan Canal State Park, a conservation site, a historical site, or other visitor area.

(B) The area of the corridor in Grundy County, Illinois, extending from Morris, Illinois, to the eastern boundary of section 22, Aux Sable Township, but not including—

(i) lock eight and lock tender's house (identified as sites 1 and 2, respectively, on the map described in section 104(b));

(ii) Rutherford tavern, the old mule barn, and the historic cemetery (identified as sites 3, 4, and 5, respectively, on such map); and

(iii) any trail in such area which follows the historic towpath of the canal.

(C) The area of the corridor in Will County, Illinois, which extends from a line created from Interstate 55 to the center of the sailing line in the Des Plaines River, west on center line of sailing line to the intersection of the line formed by the eastern edge of sections 30 and 31 of Channahon Township east through Brandon Pool, but not including the trail in such area which follows the historic towpath of the canal.

(D) The area of the corridor in Will County, Illinois, which extends from the southern boundary of section 14, Lockport Township, to the eastern boundary of section 25, DuPage Township.

(b) RESTRICTIONS ON DEVELOPMENT OF TRAILS.—The Commission may not develop any new trail along the canal or historic towpath of the canal through industrial sites or railroad rights of way without concurrence of the owner, which—

(1) are located north of the city of Joliet, Illinois; and

(2) existed on the date of the enactment of this Act.

TERMINATION OF COMMISSION

16 USC 461 note.

SEC. 111. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring ten years after the date of the enactment of this Act.

98 STAT. 1464

(b) EXTENSION.—The Commission may extend the life of the Commission for a period of not more than five years beginning on the day referred to in subsection (a) if, not later than one hundred and eighty days before such day—

(1) the Commission determines such extension is necessary in order for the Commission to carry out the purpose of this title;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

(3) the Governor and the Secretary each approve such extension.

DUTIES OF THE SECRETARY

16 USC 461 note. SEC. 112. To carry out the purpose of this Act, the Secretary shall have the following duties:

(1) Not later than September 30, 1985, and in consultation with the Commission, the Secretary shall complete—

(A) an inventory of sites and structures of historical, architectural, or engineering significance in the corridor; and

(B) an inventory of sites and resources of archaeological or geological significance in the corridor.

(2) Not later than September 30, 1986, in consultation with the Commission and in accordance with the plan, the Secretary shall—

(A) develop a thematic structure for the interpretation of the heritage story of the corridor; and

(B) design and fabricate interpretative materials based on such thematic structure, including—

(i) trail guide brochures for exploring such heritage story via private auto, bus, bike, boat, or foot, including brochures for exploring such heritage story in towns along the canal;

(ii) visitor orientation displays (including video presentations) at eight locations which are fairly distributed along the corridor;

(iii) a curriculum element for local schools; and

(iv) an appropriate mobile display depicting such heritage story.

(3) The Secretary shall, upon request of the Commission, provide technical assistance to the Commission in carrying out the provisions of section 109(a)(6). Such assistance may include recommendations concerning appropriate preservation treatment, adaptive reuse potential, strategies for finding private investors, and tax advantages available with respect to such rehabilitation.

(4) The Secretary shall make available to interested persons information which explains tax advantages available with respect to the rehabilitation of historical structures in the corridor.

(5) For each fiscal year during the life of the Commission, the Secretary shall make available to interested persons brochures which explain tax advantages available with respect to the rehabilitation of historical structures in the corridor.

98 STAT. 1465

(6) For each fiscal year during the life of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, two employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 109.

DUTIES OF OTHER FEDERAL ENTITIES

16 USC 461 note. SEC. 113. Any Federal entity conducting or supporting significant activities directly affecting the corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the resources cited in the National Park Service report.

CONVEYANCE OF CANAL TITLE BY UNITED STATES

Real property. 16 USC 461 note.

SEC. 114. (a) CONVEYANCE TO STATE.—(1) Except as provided in subsection (b), the United States shall convey to the State by quitclaim deed any right, title, or interest of the United States to the real property described in the Act entitled "An Act relinquishing to the State of Illinois certain right, title, or interest of the United States of America, and for other purposes", approved July 1, 1947 (61 Stat. 237), comprising approximately two thousand six hundred acres. The instrument of conveyance shall require that, except as provided in paragraph (2) such real property be used and occupied only for highway, park, recreational, or other public purposes, including those provided for under this Act. Such real property may be leased for utility or transmission purposes (or may be transferred or leased for park, recreation, or other public purposes consistent with the plan) if the revenue from any such lease or transfer is used for park and recreational purposes within the corridor.

(2) The State, or its successors or assigns, may continue to lease for any purpose any portion of the real property described in subsection (a) which was leased on or before February 9, 1984, so long as the revenue from such lease is used for park or recreational purposes within the corridor. Any private person occupying any portion of the real property described in subsection (a) may continue to occupy such real property with the written permission of the State (or of any successor or assign of the State in the case of any property which has been transferred to a successor or assign).

(3) Except as provided in paragraph (2), if any real property conveyed to the State under this section ceases to be used and occupied as provided in paragraph (1), then any right, title, or interest in the real property not so used and occupied shall revert to the United States. The conveyance by the United States under this subsection shall be subject to the condition that the State of Illinois, its successors, and assigns agree to hold the United States harmless from claims arising from or through the operations of the lands conveyed by the United States due to conditions existing at the time of this conveyance.

Claims.

Navigation project.

(b) CONSENT OF SECRETARY OF ARMY.—The interests in the canal prism and towpath lands (including reserved lands) in township 37 north, range 11 east, section 14; township 35 north, range 10 east, sections 9 and 16; township 35 north, range 10 east, sections 16, 20, and 21; township 34 north, range 9 east, section 31; and township 34 north, range 8 east, sections 22, 23, 25, 26, and 36, necessary for the operation and maintenance of the Illinois Waterway navigation project may be conveyed under subsection (a) only with the concurrence of the Secretary of the Army with such conditions as necessary to protect the navigation project.

EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS; RESTRICTIONS; SAVINGS PROVISIONS

16 USC 461 note.

SEC. 115. (a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—(1) Nothing in this Act shall be deemed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process which is different from those presently applicable, or which would be applicable, had the corridor not been established.

(2) The establishment of the corridor shall not impose any change in Federal environmental quality standards. No portion of the corridor which is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.), as amended by the Clean Air Act Amendments of 1977, may be designated as class 1 for purposes of such part C solely by reason of the establishment of the corridor.

Water.

(3) No State or Federal agency shall impose more restrictive water use designations or water quality standards upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the corridor solely by reason of the establishment of the corridor.

(4) Nothing in the establishment of the corridor shall abridge, restrict, or alter any applicable rule, regulation, standard or review procedure for permitting of facilities within or adjacent to the corridor.

(5) Nothing in the establishment of the corridor shall affect the continuing use and operation, as presently located, of all public utilities and common carriers.

(6) Actions taken under this title to achieve the purposes described in section 102(b) shall emphasize voluntary cooperation.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary any authority—

(1) to require the State, any political subdivision of the State, or any private person to participate in any project or program carried out by the Commission or the Secretary under this title;

(2) to intervene as a party in any administrative or judicial proceeding concerning the application or enforcement of any regulatory authority of the State or any political subdivision of the State, including any authority relating to land use regulation, environmental quality, licensing, permitting, easements, private land development, or other occupational or access issues;

(3) to establish or modify any regulatory authority of the State or of any political subdivision of the State, including any authority relating to land use regulation, environmental quality, or pipeline or utility crossings;

98 STAT. 1467

(4) to modify any policy of the State or of any political subdivision of the State; or

(5) to establish or modify any authority of the State or of any political subdivision of the State with respect to the acquisition of lands or interests in lands.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify any right of the State or of any political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the corridor.

AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF AMOUNTS FOR CERTAIN PURPOSES

16 USC 401 note.

SEC. 116. (a) AUTHORIZATION OF APPROPRIATIONS.—(1) For each fiscal year which commences after September 30, 1984, there is authorized to be appropriated—

(A) to the Commission a sum not to exceed $250,000 to carry out the Commission's duties under this title; and

(B) to the Secretary such sums as may be necessary to carry out the Secretary's duties under this title.

(2) Any sum appropriated under paragraph (1) shall remain available until expended.

(b) Allocation of Amounts for Certain Purposes.—Not less than 5 per centum of the aggregate amount available to the Commission from all sources for a fiscal year shall be used for carrying out each of the duties of the Commission specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), and (b) of section 109.

COMPLIANCE WITH BUDGET ACT

Effective date.
16 USC 461 note.
2 USC 651.

Sec. 117. Any new spending authority described in subsection (c)(2)(A) of section 401 of the Congressional Budget Act of 1974 which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE II

Jefferson National Expansion Memorial Amendments Act of 1984.
Saint Louis, Mo., and East Saint Louis, Ill.

Sec. 201. (a) The Act of May 17, 1954 entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes" (68 Stat. 98; 16 U.S.C. 450jj), is amended by inserting after section 3 the following new sections:

Public availability.
16 USC 450 jj-3.

"Sec. 4. (a) The Secretary of the Interior is further authorized to designate for addition to the Jefferson National Expansion Memorial (hereinafter in this Act referred to as the 'Memorial') not more than one hundred acres in the city of East Saint Louis, Illinois, contiguous with the Mississippi River and between the Eads Bridge and the Poplar Street Bridge, as generally depicted on the map entitled 'Boundary Map, Jefferson National Expansion Memorial', numbered MWR-366/80,004, and dated February 9, 1984, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The additional acreage authorized by this section is in recognition of the historical significance of the Memorial site to the westward expansion of the United States and the historical linkage of this site on the Mississippi in both Missouri and Illinois to such expansion, the international recognition of the Gateway Arch, designed by Eero Saarinen, as one of the world's great sculptural and architectural achievements, and the increasing use of the Memorial site by millions of people from all over the United States and the world.

98 STAT. 1468

Gateway Arch.

"(b) Within the area designated in accordance with this section, the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands owned by the State of Illinois or any political subdivision thereof may be acquired only by donation.

16 USC 450jj-4.

"Sec. 5. Where appropriate in the discretion of the Secretary of the Interior, he may transfer by lease or otherwise, to any appropriate person or governmental entity, land owned by the United States (or any interest therein) which has been acquired by the Secretary under section 4. Any such transfer shall be consistent with the management plan for the area and with the requirements of section 5 of the Act of July 15, 1968 (82 Stat. 356; 16 U.S.C. 460l-22) and shall be subject to such conditions and restrictions as the Secretary deems necessary to carry out the purposes of this Act, including terms and conditions which provide for—

16 USC 460*l*-22.

"(1) the continuation of existing uses of the land which are compatible with the Memorial,

"(2) the protection of the important historical resources of the leased area, and

"(3) the retention by the Secretary of such access and development rights as the Secretary deems necessary to provide for appropriate visitor use and resource management.

In transferring any lands or interest in lands under this section, the

Secretary shall take into account the views of the Commission established under section 8.

Post, p. 1470.
16 USC 450jj-5.
Ante, p. 1467.

"SEC. 6. Lands and interests in lands acquired pursuant to section 4 shall, upon acquisition, be a part of the Memorial. The Secretary of the Interior shall administer the Memorial in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). In the development, management, and operation of that portion of the Memorial which is added to the Memorial under section 4, the Secretary shall, to the maximum extent feasible, utilize the assistance of State and local government agencies and the private sector. For such purposes, the Secretary may, consistent with the management plan for the area, enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Secretary of any action proposed by the State, such political subdivision, or such person, which may affect the area.

98 STAT. 1469

Jefferson National Expansion Memorial Commission, establishment.
16 USC 450jj-6.

"SEC. 7. (a) There is hereby established the Jefferson National Expansion Memorial Commission (hereinafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of twenty members as follows:

"(1) The county executive of Saint Louis County, Missouri, ex officio, or a delegate.

"(2) The chairman of the Saint Clair County Board of Supervisors, Illinois, ex officio, or a delegate.

"(3)(A) The executive director of the Bi-State Development Agency, Saint Louis, Missouri, ex officio, or a delegate.

"(B) A member of the Bi-State Development Agency, Saint Louis, Missouri, who is not a resident of the same State as the executive director of such agency, appointed by a majority of the members of such agency, or a delegate.

"(4) The mayor of the city of East Saint Louis, Illinois, ex officio, or a delegate.

"(5) The mayor of Saint Louis, Missouri, ex officio, or a delegate.

"(6) The Governor of the State of Illinois, ex officio, or a delegate.

"(7) The Governor of the State of Missouri, ex officio, or a delegate.

"(8) The Secretary of the Interior, ex officio, or a delegate.

"(9) The Secretary of Housing and Urban Development, ex officio, or a delegate.

"(10) The Secretary of Transportation, ex officio, or a delegate.

"(11) The Secretary of the Treasury, ex officio, or a delegate.

"(12) The Secretary of Commerce, ex officio, or a delegate.

"(13) The Secretary of the Smithsonian Institution, ex officio, or a delegate.

"(14) Three individuals appointed by the Secretary of the Interior from a list of individuals nominated by the mayor of East Saint Louis, Illinois, and the Governor of the State of Illinois.

"(15) Three individuals appointed by the Secretary of the Interior from a list of individuals nominated by the mayor of Saint Louis, Missouri, and the Governor of the State of Missouri.

Individuals nominated for appointment under paragraphs (14) and (15) shall be individuals who have knowledge and experience in one or more of the fields of parks and recreation, environmental protection, historic preservation, cultural affairs, tourism, economic development, city planning and management, finance, or public administration. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(c)(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of three years.

"(2) Of the members of the Commission first appointed under paragraphs (14) and (15) of subsection (c)—

"(A) two shall be appointed for terms of one year;

"(B) two shall be appointed for terms of two years; and

"(C) two shall be appointed for terms of three years;

as designated by the Secretary of the Interior at the time of appointment.

98 STAT. 1470

"(3) Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(d) Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"(e) The chairperson of the Commission shall be elected by the members of the Commission.

"(f) Upon request of the Commission, the head of any Federal agency represented by members on the Commission may detail any of the personnel or such agency, or provide administrative services to the Commission to assist the Commission in carrying out the Commission's duties under section 8.

Infra.

"(g) The Commission may, for the purposes of carrying out the Commission's duties under section 8, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

Termination.

"(h)(1) Except as provided in paragraph (2), the Commission shall terminate on the day occurring ten years after the date of enactment of this section.

Extension.

"(2) The Secretary of the Interior may extend the life of the Commission for a period of not more than five years beginning on the day referred to in paragraph (1) if the Commission determines that such extension is necessary in order for the Commission to carry out this Act.

Development plan.
16 USC 450jj-7.

"Sec. 8. (a) Within two years from the enactment of this section, the Commission shall develop and transmit to the Secretary a development and management plan for the East Saint Louis, Illinois, portion of the Memorial. The plan shall include—

"(1) measures for the preservation of the area's resources;

"(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and cost estimates;

"(3) identification of any implementation commitments for visitor carrying capacities for all areas of the area;

"(4) indications of potential modifications to the external boundaries of the area, the reasons therefore, and cost estimates;

"(5) measures and commitments for insuring that the development, management, and operation of the area in the State of Illinois are compatible with the portion of the Memorial in the State of Missouri;

"(6) opportunities and commitments for cooperative activities in the development, management, and operation of the East Saint Louis portion of the Memorial with other Federal, State, and local agencies, and the private sector; and

98 STAT. 1471

"(7) effective and appropriate ways to increase local participation in the management of the East Saint Louis portion of the Memorial to help reduce the day-to-day operational and management responsibilities of the National Park Service and to increase opportunities for local employment.

"(b) The plan shall also identify and include—

"(1) needs, opportunities, and commitments for the aesthetic and economic rehabilitation of the entire East Saint Louis, Illinois, waterfront and adjacent areas, in a manner compatible with and complementary to, the Memorial, including the appropriate commitments and roles of the Federal, State, and local governments and the private sector; and

"(2) cost estimates and recommendations for Federal, State, and local administrative and legislative actions.

In carrying out its duties under this section, the Commission shall take into account Federal, State, and local plans and studies respecting the area, including the study by the National Park Service on the feasibility of a museum of American ethnic culture to be a part of any development plans for the Memorial.

16 USC 450jj-8.

"SEC. 9. (a) Upon completion of the plan, the Commission shall transmit the plan to the secretary for his review and approval of its adequacy and appropriateness. In order to approve the plan, the Secretary must be able to find affirmatively that:

"(1) The plan addresses all elements outlined in section 8 above;

"(2) The plan is consistent with the Saint Louis, Missouri, portion of the Memorial;

"(3) There are binding commitments to fund land acquisition and development, including visitor circulation and transportation systems and modes, in amounts sufficient to completely implement the plan as recommended by the Commission from sources other than funds authorized to be appropriated in this Act; and

"(4) There are binding commitments to fund or provide the equivalent of all costs in excess of $350,000 per annum for the continued management, operation, and protection of the East Saint Louis, Illinois, portion of the Memorial.

"(b) The Secretary shall transmit in writing a notice of his approval and his certification as to the existence and nature of funding commitments contained in the approved plan to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

16 USC 450jj-9.

"SEC. 10. Pending submission of the Commission's plan, any Federal entity conducting or supporting significant activities directly affecting East Saint Louis, Illinois, generally and the site specifically referred to in section 4 shall—

"(1) consult with the Secretary of the Interior and the Commission with respect to such activities;

"(2) cooperate with the Secretary of the Interior and the Commission in carrying out their duties under this Act, and to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

"(3) to the maximum extent practicable, conduct or support such activities in a manner which the Secretary determines will not have an adverse effect on the Memorial.".

16 USC 450jj note.

(b) The Act of May 17, 1954 entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes" (68 Stat. 98; 16 U.S.C. 450jj) is amended by—

98 STAT. 1472

(1) redesignating "SEC. 4." (as so designated prior to the amendments made in subsection (a) of this section) as "SEC. 11. (a)"; and

(2) adding at the end thereof the following new subsections:

"(b) For the purposes of the East Saint Louis portion of the Memorial, there is hereby authorized to be appropriated not to exceed $1,000,000 for land acquisition and not to exceed $1,250,000 for development, of which not to exceed $500,000 shall be available only for landscaping and only for expenditure in the ratio of one dollar of Federal funds to one dollar of non-Federal funds: *Provided*, That no funds authorized to be appropriated hereunder may be appropriated prior to the approval by the Secretary of the plan developed by the Commission.

Appropriation authorization.

"(c) Funds appropriated under subsection (b) of this section shall remain available until expended.

"(d) Authority to enter into contracts or make payments under this Act shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.".

SEC. 202. Any provision of this title (or any amendment made by this title) which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1983.

Effective dates. 16 USC 450jj-3 note.

SEC. 203. This title may be cited as the "Jefferson National Expansion Memorial Amendments Act of 1984".

16 USC 450jj note.

Approved August 24, 1984.

LEGISLATIVE HISTORY—S. 746 (H.R. 2014):

HOUSE REPORT No. 98-601 accompanying H.R. 2014 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-355 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Feb. 27, considered and passed Senate.
  Feb. 28, H.R. 2014 considered and passed House; S. 746, amended, passed in lieu.
  June 28, Senate concurred in House amendment with an amendment.
  June 29, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 35 (1984):
  August 24, Presidential statement.

Public Law 98-409
98th Congress

98 STAT. 1536

An Act

To establish a State Mining and Mineral Resources Research Institute program, and for other purposes.

Aug. 29, 1984
[H.R. 4214]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SECTION 1. (a)(1) There are authorized to be appropriated to the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") funds adequate to provide for each participating State $300,000 for the fiscal year ending September 30, 1985, and $400,000 to each participating State for each fiscal year thereafter for a total of five years, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute or center (hereafter in this Act referred to as the "institute") at one public college or university in the State which meets the eligibility criteria established in section 10.

Schools and colleges. 30 USC 1221.

(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than one and one-

Grants.

half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, and no less than two non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.

(B) If there is more than one such eligible college or university in a State, funds appropriated under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be granted to one such college or university designated by the Governor of the State.

(C) Where a State does not have a public college or university eligible under section 10, the Committee on Mining and Mineral Resources Research established in section 9 (hereafter in this Act referred to as the "Committee") may allocate the State's allotment to one private college or university which it determines to be eligible under such section.

(b) It shall be the duty of each institute to plan and conduct, or arrange for a component or components of the college or university with which it is affiliated to conduct research, investigations, demonstrations, and experiments of either, or both, a basic or practical nature in relation to mining and mineral resources, and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. The subject of such research, investigation, demonstration, experiment, and training may include exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation. Such research, investigation, demonstration, experiment, and training shall consider the interrelationship with the natural environment, the varying conditions and needs of the respective States, and mining and mineral resources research projects being conducted by agencies of the Federal and State governments and other institutes.

98 STAT. 1537

RESEARCH FUNDS TO INSTITUTES

Appropriation authorization.
30 USC 1222.

SEC. 2. (a) There is authorized to be appropriated to the Secretary $10,000,000 for the fiscal year ending September 30, 1985. This amount shall be increased by $1,000,000 for each fiscal year thereafter for four additional years, which shall remain available until expended. Such funds when appropriated shall be made available to institutes to meet the necessary expenses for purposes of—

(1) specific mineral research and demonstration projects of broad application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes; and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which are deemed by the Committee to be desirable and are not otherwise being studied.

(b) Each application for funds under subsection (a) of this section shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or State concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will provide opportunity for the training of mining and mineral engineers and scientists; and the extent of participation by nongovernmental sources in the project.

(c) The Committee shall review all such funding applications and recommend to the Secretary the use of the institutes, insofar as practicable, to perform special research. Recommendations shall be made without regard to the race, religion, or sex of the personnel who will conduct and direct the research, and on the basis of the facilities available in relation to the particular needs of the research project; special geographic, geologic, or climatic conditions within the immediate vicinity of the institute; any other special requirements of the research project; and the extent to which such project will provide an opportunity for training individuals as mineral engineers and scientists. The Committee shall recommend to the Secretary the designation and utilization of such portions of the funds authorized to be appropriated by this section as it deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

Prohibitions.

(d) No funds shall be made available under subsection (a) of this section except for a project approved by the Secretary and all funds shall be made available upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

Prohibitions.

(e) No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

98 STAT. 1538

FUNDING CRITERIA

30 USC 1223.

SEC. 3. (a) Funds available to institutes under sections 1 and 2 of this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall—

(1) set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

(2) set forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this Act, and in no case supplant such funds; and

Report.

(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

If any of the funds received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) The institutes are authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved. Moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

DUTIES OF THE SECRETARY

Regulations.
30 USC 1224.

SEC. 4. (a) The Secretary shall administer this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, shall participate in coordinating research initiated under this Act by the institutes, shall indicate to them such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the first day of July in each year beginning after the date of enactment of this Act, the Secretary shall ascertain whether the requirements of section 3(a) have been met as to each institute and State.

Report.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reason therefor.

AUTONOMY

30 USC 1225.

SEC. 5. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

30 USC 1226.

SEC. 6. (a) The Secretary shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources, of State and local governments, and of private institutions and individuals to assure that the programs authorized by this Act will supplement and not be redundant with respect to established mining and minerals research programs, and to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, with due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

Public availability.

Prohibitions.

(b) Nothing in this Act is intended to give or shall be construed as giving the Secretary any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

Prohibitions.
Public availability.
Patents.

(c) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, are made available promptly to the general public. Patentable inventions shall be governed by the provisions of Public Law 96-517. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent.

94 Stat. 3015.

Appropriation authorization.

(d) There are authorized to be appropriated after September 30, 1984, such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any single fiscal year.

98 STAT. 1540

CENTER FOR CATALOGING

Public information
30 USC 1227.

SEC. 7. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as may make such information available.

INTERAGENCY COOPERATION

President of U.S.
30 USC 1228.

SEC. 8. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include—

(1) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;

(2) identification and elimination of duplication and overlap between agency programs;

(3) identification of technical needs in various mining and mineral resources research categories;

(4) recommendations with respect to allocation of technical effort among Federal agencies;

(5) review of technical manpower needs, and findings concerning management policies to improve the quality of the Government-wide research effort; and

(6) actions to facilitate interagency communication at management levels.

COMMITTEE

Establishment.
30 USC 1229.

SEC. 9. (a) The Secretary shall appoint a Committee on Mining and Mineral Resources Research composed of—

(1) the Assistant Secretary of the Interior responsible for minerals and mining research, or his delegate;

(2) the Director, Bureau of Mines, or his delegate;

(3) the Director, United States Geological Survey, or his delegate;

(4) the Director of the National Science Foundation, or his delegate;

(5) the President, National Academy of Sciences, or his delegate;

(6) the President, National Academy of Engineering, or his delegate; and

(7) not more than six other persons who are knowledgeable in the fields of mining and mineral resources research, including two university administrators involved in the conduct of programs authorized by section 301 of the Surface Mining Control and Reclamation Act of 1977, two representatives from the mining industry, a working miner, and a representative from the conservation community. In making these six appointments, the Secretary shall consult with interested groups.

30 USC 1221.

98 STAT. 1541

(b) The Committee shall consult with, and make recommendations to, the Secretary on all matters relating to mining and mineral resources research and the determinations that are required to be made under this Act. The Secretary shall consult with, and consider recommendations of, such Committee in such matters.

(c) Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, paid at a rate fixed by the Secretary but not excess of the daily equivalent of the maximum rate of pay for grade GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and shall be fully reimbursed for travel, subsistence, and related expenses.

(d) The Committee shall be jointly chaired by the Assistant Secretary of the Interior responsible for minerals and mining and a person to be elected by the Committee from among the members referred to in paragraphs (5), (6), and (7) of subsection (a) of this section.

Plan.

(e) The Committee shall develop a national plan for research in mining and mineral resources, considering ongoing efforts in the universities, the Federal Government, and the private sector, and shall formulate and recommend a program to implement the plan utilizing resources provided for under this Act. The Committee shall submit such plan to the Secretary, the President, and the Congress on or before March 1, 1986, and shall update the plan annually thereafter.

(f) Section 10 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

ELIGIBILITY CRITERIA

30 USC 1230.

Sec. 10. (a) The Committee shall determine the eligibility of a college or university to participate as a mining and mineral resources research institute under this Act using criteria which include—

(1) the presence of a substantial program of graduate instruction and research in mining or mineral extraction or closely related fields which has a demonstrated history of achievement;

(2) evidence of institutional commitment for the purposes of this Act;

(3) evidence that such institution has or can obtain significant industrial cooperation in activities within the scope of this Act; and

(4) the presence of an engineering program in mining or minerals extraction that is accredited by the Accreditation Board for Engineering and Technology, or evidence of equivalent institutional capability as determined by the Committee.

(b) Notwithstanding the provisions of subsection (a), those colleges or universities which, on the date of enactment of this Act, have a mining or mineral resources research institute program which has been found to be eligible pursuant to title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445) shall continue to be eligible pursuant to this Act for a period of four fiscal years beginning October 1, 1984.

30 USC 1221.

Approved August 29, 1984.

LEGISLATIVE HISTORY—H.R. 4214:

HOUSE REPORT No. 98-653 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-437 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 9, considered and passed House.
  Aug. 9, considered and passed Senate, amended.
  Aug. 10, House concurred in certain Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 35 (1984):
  Aug. 29, Presidential statement.

Public Law 98-425
98th Congress

An Act

Entitled the "California Wilderness Act of 1984".

Sept. 28, 1984
[H.R. 1437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this title may be cited as the "California Wilderness Act of 1984".

California Wilderness Act of 1984.
National Wilderness Preservation System.
National Forest System.
National parks, monuments, etc.
16 USC 1131 note.

TITLE I

DESIGNATION OF WILDERNESS

Sec. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

16 USC 1131 note.
16 USC 1132 note.

(2) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred sixty thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed", dated July 1984, and which shall be known as the Carson-Iceberg Wilderness: *Provided, however,* That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degree in which such access was occurring as of the date of enactment of this title;

16 USC 1132 note.

(3) certain lands in the Shasta-Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

16 USC 1132 note.

(4) certain lands in the Shasta-Trinity National Forest, California, which comprise approximately eight thousand two hundred acres, as generally depicted on a map entitled "Chanchelulla Wilderness—Proposed", and which shall be known as the Chanchelulla Wilderness;

(5) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

98 STAT. 1620

16 USC 1131 note.
16 USC 1132 note.

(6) certain lands in the Los Padres National Forest, which comprise approximately sixty-four thousand seven hundred acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated July 1984, and which shall be known as Dick Smith Wilderness: *Provided,* That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road as the southeasterly

16 USC 1132 note.

boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and wherever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

16 USC 1132 note.

(7) certain lands in the Sierra National Forest, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Dinkey Lakes Wilderness—Proposed", and which shall be known as the "Dinkey Lakes Wilderness": *Provided*, That within the Dinkey Lakes Wilderness the Secretary of Agriculture shall permit nonmotorized dispersed recreation to continue at a level not less than the level of use which occurred during calendar year 1979;

(8) certain lands in the Sequoia National Forest, California, which comprise approximately thirty-two thousand acres, as generally depicted on a map entitled "Domeland Wilderness Additions—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the Domeland Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

(9) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

16 USC 1132 note.

16 USC 1132 note.

(10) certain lands in the Tahoe National Forest, California, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Granite Chief Wilderness—Proposed", dated July 1984, and which shall be known as the Granite Chief Wilderness;

(11) certain lands in the Cleveland National Forest, California, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hauser Wilderness—Proposed", and which shall be known as the Hauser Wilderness;

16 USC 1132 note.

(12) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand eight hundred forty acres as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(13) certain lands in the Sierra National Forest, California, which comprise approximately eighty-one thousand acres, as generally depicted on a map entitled "John Muir Wilderness Additions, Sierra National Forest—Proposed", dated February 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577: *Provided*, That the Secretary of Agriculture is authorized to modify the boundaries of the John Muir Wilderness Additions and the Dinkey Lakes Wilderness as designated by this Act in the event he determines that portions of the existing primitive road between the two wilderness areas should be relocated for environmental protection or other reasons. Any relocated wilderness boundary shall be placed no more than three hundred feet from the centerline of any new primitive roadway and shall become effective upon publication of a notice of such relocation in the Federal Register;

98 STAT. 1621

16 USC 1131 note.

Federal Register, publication.

(14) certain lands in the Klamath National Forest, California, which comprise approximately twenty-eight thousand acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

16 USC 1132 note.

(15) certain lands in the Sierra and Inyo National Forests, California, which comprise approximately nine thousand acres,

as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Minarets Wilderness as designated by Public Law 88-577: *Provided,* That the existing Minarets Wilderness and additions thereto designated by this title henceforth shall be known as the Ansel Adams Wilderness;

(16) certain lands in the Eldorado, Stanislaus, and Toiyabe National Forests, California, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Mokelumne Wilderness as designated by Public Law 88-577;

16 USC 1132 note.

(17) certain lands in the Sierra and Sequoia National Forests, California, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Monarch Wilderness—Proposed", dated July 1984, and which shall be known as the Monarch Wilderness;

16 USC 1132 note.

(18) certain lands in the Shasta-Trinity National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", dated July 1984, and which shall be known as Mt. Shasta Wilderness;

16 USC 1132 note.

(19) certain lands in the Six Rivers National Forest, California, which comprise approximately eight thousand one hundred acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed", and which shall be known as the North Fork Wilderness;

16 USC 1132 note.

(20) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be known as the Pine Creek Wilderness;

(21) certain lands in the Rogue River National Forest, California, and Oregon, which comprise approximately sixteen thousand five hundred acres, as generally depicted on a map entitled "Red Buttes Wilderness Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Red Buttes Wilderness as designated by Public Law 98-328;

98 STAT. 1622

Ante, p. 272.

16 USC 1132 note.

(22) certain lands in the Klamath National Forest, California, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Russian Wilderness—Proposed", and which shall be known as the Russian Wilderness;

(23) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

(24) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: *Provided, however,* That the Secretary of Agriculture may pursuant to an application filed within 10 years of the date of enactment of this title, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed": *Provided further,* That if a power transmission line is constructed within

Federal Register, publication.

such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(25) certain lands in the Sierra and Inyo National Forests and the Devils Postpile National Monument, California, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "San Joaquin Wilderness—Proposed", and which shall comprise a portion of the Ansel Adams Wilderness established pursuant to subparagraph (a)(15) of this section: *Provided, however,* That nothing in this title shall be construed to prejudice, alter, or affect in any way, any rights or claims of right to the diversion and use of waters from the North Fork of the San Joaquin River, or in any way to interfere with the construction, maintenance, repair, or operation of a hydroelectric project similar in scope to the Jackass-Chiquito hydroelectric power project (or the Granite Crest-Jackass alternative project) as initially proposed by the Upper San Joaquin River Water and Power Authority: *Provided further,* That the designation of the San Joaquin Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities nor operation and maintenance of the existing cabin located in the vicinity of the Heitz Meadow Guard Station within the Ansel Adams Wilderness, in the same manner and degree in which such access and operation and maintenance of such cabin were occurring as of the date of enactment of this title;

16 USC 1132 note.

98 STAT. 1623

(26) certain lands in the Cleveland National Forest, California, which comprise approximately thirty-nine thousand five hundred and forty acres, as generally depicted on a map entitled "San Mateo Canyon Wilderness—Proposed", and which shall be known as the San Mateo Canyon Wilderness;

(27) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Rafael Wilderness as designated by Public Law 90-271;

16 USC 1132 note.

16 USC 1132 note.

(28) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty thousand one hundred and sixty acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", and which shall be known as the Santa Rosa Wilderness;

16 USC 1132 note.

(29) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately forty-three thousand six hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", dated July 1984, and which shall be known as Sheep Mountain Wilderness;

16 USC 1132 note.

(30) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred fifty-three thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated July 1984, and which shall be known as the Siskiyou Wilderness;

16 USC 1132 note.

(31) certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

16 USC 1132 note.

(32) certain lands in the Sequoia and Inyo National Forests, California, which comprise approximately sixty-three thousand acres, as generally depicted on a map entitled "South Sierra Wilderness—Proposed", dated July 1984, and which shall be known as the South Sierra Wilderness;

(33) certain lands in the Modoc National Forest, California,

which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the South Warner Wilderness as designated by Public Law 88-577;

16 USC 1131 note.
16 USC 1132 note.

(34) certain lands in and adjacent to the Klamath, Shasta-Trinity and Six Rivers National Forests, California, which comprise approximately five hundred thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", dated July 1984, and which shall be known as the Trinity Alps Wilderness;

(35) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237;

16 USC 1132 note.

98 STAT. 1624

(36) certain lands in and adjacent to the Six Rivers and Mendocino National Forests, California, which comprise approximately forty-two thousand acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", dated July 1984, and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577;

16 USC 1131 note.
16 USC 1132 note.

(37) certain lands in the Plumas National Forest, California, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Bucks Lake Wilderness—Proposed", dated March 1983, and which shall be known as the Bucks Lake Wilderness;

16 USC 1132 note.

(38) certain lands in and adjacent to the Los Padres National Forest, California, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Machesna Mountain Wilderness—Proposed", dated March 1983, and which shall be known as the Machesna Mountain Wilderness; and

16 USC 1132 note.

(39) certain lands in the Sequoia National Forest, which comprise approximately ten thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Wilderness—Proposed", dated March 1983, and which shall be known as the Jennie Lakes Wilderness.

(b) The previous classifications of the High Sierra Primitive Area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

DESIGNATION OF PLANNING AREAS

16 USC 1131 note.
Report.
President of U.S.

Sec. 102. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than three years from the date of enactment of this title:

(1) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Carson-Iceberg Planning Area", dated July 1984, and which shall be known as the Carson-Iceberg Planning Area;

(2) certain lands in the Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres as generally depicted on a map entitled "Hoover Wilderness Additions Planning Area", dated July 1984, and

which shall be known as the Hoover Wilderness Additions Planning Area; and

(3) certain lands in the San Bernardino National Forest, California, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Pyramid Peak Planning Area", dated July 1984, and which shall be known as the Pyramid Peak Planning Area.

(b) Subject to valid existing rights, the planning areas designated by this section shall for a period of four years from the date of enactment of this title, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

ADMINISTRATION OF WILDERNESS AREAS

16 USC 1131 note.

SEC. 103. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title.

(b) Within the National Forest wilderness areas designated by this title—

16 USC 1133.

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to the date of enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this title;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this title, the Secretary of Agriculture shall enter into negotiations to acquire by exchange all or part of any privately owned lands within the national forest wilderness areas designated by this title. Such exchange shall to the maximum extent practicable be completed within three years after the date of enactment of this title. The Secretary is authorized to acquire such lands by means other than exchange, beginning three years after the date of enactment of this title. Acquisition shall be only with the concurrence of the owner. Values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 104. As soon as practicable after enactment of this title, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspec-

Public availability.

tion in the Office of the Chief of the Forest Service, Department of Agriculture.

ADDITIONS TO NATIONAL PARK SYSTEM

98 STAT. 1626

Sec. 105. (a) The following lands are hereby added to the National Park System:

16 USC 80 note.

(1) certain lands in the Sequoia National Forest, California, which comprise approximately one thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Additions, Kings Canyon National Park—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of Kings Canyon National Park; and

16 USC 46 note.

(2) certain lands which comprise approximately one hundred eighty-five acres, as generally depicted on a map entitled "McCauley Ranch Addition, Yosemite National Park", dated December 1982 and numbered 80,021, and which are hereby incorporated in, and which shall be deemed to be a part of Yosemite National Park.

(b) Upon enactment of this title, the Secretary of Agriculture shall transfer the lands described in subsection (a) of this section, without consideration, to the administrative jurisdiction of the Secretary of the Interior for administration as part of the National Park System. The boundaries of the national forests and national parks shall be adjusted accordingly. The areas added to the National Park System by this section shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

Report.

(c) The Secretary of the Interior shall study the lands added to the National Park System by subsection (a) of this section for possible designation as national park wilderness, and shall report to the Congress his recommendations as to the suitability or nonsuitability of the designation of such lands as wilderness by not later than three years after the effective date of this title.

16 USC 46 note.

(d) The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian. The boundary of Yosemite National Park and the Stanislaus National Forest shall be adjusted accordingly.

(e) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water thereon for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

NATIONAL PARK WILDERNESS

Sec. 106. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

98 STAT. 1627

16 USC 1132 note.

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred

acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California", numbered 104-20, 003-E dated July 1980, and shall be known as the Yosemite Wilderness;

16 USC 1132 note.

(2) Sequoia and Kings Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eighty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

Public availability.

SEC. 107. A map and description of the boundaries of the areas designated in section 106 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 106. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

Federal Register, publication.

SEC. 108. Any lands (in section 106 of this title) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

16 USC 1131 note.

SEC. 109. The areas designated by section 106 of this title as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

SEC. 110. Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II, 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally applicable to national forest lands designated as nonwilderness.

98 STAT. 1628

WILDERNESS REVIEW CONCERNS

Conservation.

SEC. 111. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress had made its own review and examination of national forest roadless areas in California and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than California, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of California;

(2) upon enactment of this title, the injunction issued by the United States District Court for the Eastern District of California in the State of California versus Bergland (483 F. Supp. 465 (1980)) shall no longer be in force;

(3) with respect to the National Forest System lands in the State of California which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), and those lands referred to in subsection (d), except those lands remaining in further planning as referred to in subsection (e), or designated as planning areas upon enactment of this title, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed; 16 USC 1600 note.

(4) areas in the State of California reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or planning areas by this title or remaining in further planning as referenced in subsection (e) upon enactment of this title shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans; 16 USC 1604.

(5) in the event that revised land management plans in the State of California are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and 16 USC 1604.

(6) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of California for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System. 16 USC 1600 note.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those National Forest System roadless lands in the State of California: in the Plumas and Tahoe National Forests which were evaluated in the Mohawk Unit Plan; in the Six Rivers National Forest which were evaluated in the Blue Creek Unit Plan not designated as Wilderness by this title and the Fox Unit Plan; in the Klamath National Forest which were evaluated in the King Unit Plan; in the Angeles National Forest which were evaluated in the San Gabriel Unit Plan; in the Modoc and Shasta-Trinity and Klamath National Forests in the Medicine Lake Unit Plan; in the Cleveland National Forest which were evaluated in the Palomar Mountain Unit Plan and Trabuco Unit Plan; in the Los Padres National Forest which were evaluated in the Big Sur Unit Plan; in the Tahoe National Forest which were evaluated in the Truckee-Little Truckee Unit Plan; and those portions of the Carson-Iceberg roadless area not designated as wilderness or planning areas or remaining in further planning as referenced in subsection (e);

(2) National Forest System roadless lands in the State of California which are less than five thousand acres in size; and

(3) National Forest System roadless areas or portions thereof in the State of California as identified in Executive Document Numbered 1504 Ninety-sixth Congress (House Document Numbered 96-119) and identified by name and number at the end of this subparagraph, which are not designated as wilderness by this title:

98 STAT. 1630

National Forest	Area name	Area I.D.
Eldorado	Pyramid	05023
Eldorado	Rubicon	05026
Eldorado	Dardanelles	05982
Eldorado	Tragedy-Elephants Back	05984
Eldorado	Raymond Peak	05985
Klamath	Orleans Mountain	B5079
Klamath	Condrey Mountain	05704
Lake Tahoe Basin M.U.	Dardanelles	05982
Lassen	Lost Creek	05089
Lassen	Polk Springs	05097
Lassen	Chips Creek	05099
Los Padres	Machesna Mountain	05110
Los Padres	Miranda Pine	05114
Los Padres	Tepusquet Peak	05116
Los Padres	Spoor Canyon	05118
Los Padres	Fox Mountain	05120
Los Padres	Cuyama	05135
Mendocino	Wilderness Contiguous	05137
Mendocino	Elk Creek	05140
Mendocino	Big Butte-Shinbone	05145
Mendocino	Black Butte	05269
Plumas	Chips Creek	05099
Plumas	Middle Fork	05167
Plumas	Bald Rock	05169
Plumas	West Yuba	05172
Rogue River	Condrey Mountain	06704
Sequoia	Agnew	05199
Sequoia	Woodpecker	05206
Sequoia	Domeland addition	05207
Shasta-Trinity	Chanchelulla	05220
Shasta-Trinity	East Fork	05226
Shasta-Trinity	Murphy Glade	05298
Shasta-Trinity	Fisher Gulch	A5299
Sierra	Mount Raymond	05242
Sierra	Dinkey Lakes	05244
Sierra	Rancheria	C5198
Six Rivers	Orleans Mountain	B5079
Six Rivers	North Fork Smith	05707
Stanislaus	Tuolumne River	05258
Stanislaus	Raymond Peak	05985
Tahoe	West Yuba	05172
Tahoe	North Fork American	05262

National Forest	Area name	Area I.D.
Tahoe	East Yuba	05264
Toiyabe	Dardanelles	04982
Toiyabe	Tragedy-Elephants Back	04984
Toiyabe	Raymond Peak	04985
Tahoe	Granite Chief	05261
Angeles	Pleasant View	F5008
Shasta-Trinity	Castle Crags	B5219
Shasta-Trinity	Mt. Shasta	C5213
Lake Tahoe Basin M.U.	Pyramid	05023

(e) Certain National Forest System roadless lands in the State of California as identified in Executive Document Numbered 1504 Ninety-sixth Congress (House Document Numbered 96-119) and identified by name and number at the end of this subsection, shall remain as further planning areas for purposes of this title:

National Forest	Area name	Area I.D.
Angeles	Sespe-Frazier	05002
Angeles	Arroyo Seco	05012
Cleveland	Sill Hill	05304
Cleveland	Caliente	05017
Eldorado	Caples Creek	05027
Inyo	White Mountains	A5058
Inyo	White Mountains	B5058
Inyo	Coyote-Southeast	05033
Inyo	Table Mountain	05035
Inyo	Mazourka	A5064
Inyo	Wheeler Ridge	05040
Inyo	Horse Meadow	05049
Inyo	Tioga Lake	05050
Inyo	Hall Natural Area	05051
Inyo	Log Cabin Saddlebag	05052
Inyo	Benton Range	05056
Inyo	Blanco Mountain	05059
Inyo	Birch Creek	05060
Inyo	Black Canyon	05061
Inyo	Andrews Mountain	05063
Inyo	Paiute	B5064
Inyo	Laurel-McGee	05045
Inyo	Buttermilk	05038
Lake Tahoe Basin M.U.	Freel	05271
Lassen	Wild Cattle Mountain	05093
Lassen	Butt Mountain	05100
Lassen	Trail Lake	B5095
Lassen	Heart Lake	05096
Lassen	Ishi	B5098
Los Padres	Antimony	05136
Los Padres	Bear Canyon	05104
Los Padres	Bear Mountain	05103
Los Padres	Big Rocks	05112
Los Padres	Black Butte	05102
Los Padres	Black Mountain	05108
Los Padres	Diablo	05127
Los Padres	Dry Lakes	05131
Los Padres	Horseshoe Springs	05115
Los Padres	La Brea	05117
Los Padres	La Panza	05109
Los Padres	Little Pine	05278
Los Padres	Los Machos Hills	05111
Los Padres	Machesna Mountain	05110
Los Padres	Matilija	05129
Los Padres	Quatal	05268
Los Padres	Sawmill-Badlands	05134
Los Padres	Sespe-Frazier	05002
Los Padres	Stanley Mountain	05113
San Bernardino	Sugarloaf	05186
San Bernardino	Raywood Flat	B5187
San Bernardino	Cucamonga B	B5174
San Bernardino	Cucamonga C	C5174
Sequoia	Dennison Peak	05202
Sequoia	Kings River	B5198
Sequoia	Oat Mountain	05197
Sequoia	Moses	05203
Sequoia	Scodies	05212
Sequoia	Cypress	A5213
Shasta-Trinity	Mt. Eddy	05229
Sierra	Kings River	B5198

98 STAT. 1631

National Forest	Area name	Area I.D.
Stanislaus	Carson-Iceberg (Pacific Valley portion)	B5986
Toiyabe	Sweetwater	04657
Toiyabe	Hoover Extension	E4662
Lassen	Mill Creek	O5284
Los Padres	Garcia Mountain	O5107

SEVERABILITY

SEC. 112. If any provision of this title or the application thereof is held invalid, the remainder of the title and the application thereof shall not be affected thereby.

Appropriation authorization.

SEC. 113. For fiscal years commencing after September 30, 1985, there are authorized to be appropriated such sums as may be necessary to implement the provisions of this title.

TITLE II

DESIGNATION WILD AND SCENIC RIVER

Ante, p. 1491
16 USC 1274.

SEC. 201. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) as amended is further amended by inserting the following new paragraph:

"(52) TUOLUMNE, CALIFORNIA.—The main river from its sources on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir consisting of approximately 83 miles as generally depicted on the proposed boundary map entitled 'Alternative A' contained in the Draft Tuolumne Wild and Scenic River Study and Environmental Impact Statement published by the United States Department of the Interior and Department of Agriculture in May 1979; to be administered by the Secretary of the Interior and the Secretary of Agriculture. After consultation with State and local governments and the interested public and within two years from the date of enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section. Nothing in this Act shall preclude the licensing, development, operation, or maintenance of water resources facilities on those portions of the North Fork, Middle Fork or South Fork of the Tuolumne or Clavey Rivers that are outside the boundary of the wild and scenic river area as designated in this section. Nothing in this section is intended or shall be construed to affect any rights, obligations, privileges, or benefits granted under any prior authority of law including chapter 4 of the Act of December 19, 1913, commonly referred to as the Raker Act (38 Stat. 242) and including any agreement or administrative ruling entered into or made effective before the enactment of this paragraph. For fiscal years commencing after September 30, 1985, there are authorized to be appropriated such sums as may be necessary to implement the provisions of this subsection.".

Appropriation authorization.

TITLE III

ESTABLISHMENT OF NATIONAL FOREST SCENIC AREA

16 USC 543.

SEC. 301. The area in the Mono Basin within and adjacent to the Inyo National Forest in the State of California, as generally depicted on a map entitled "Mono Basin National Forest Scenic Area" dated June 1983, and numbered 1983-3, is hereby designated as the Mono Basin National Forest Scenic Area (hereafter in this title referred to as the "Scenic Area"). Such map shall be on file and available for public inspection in the office of the Forest Supervisor, Inyo National Forest and in the office of the Chief of the Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") may make minor revisions in the boundary of the Scenic Area after publication of

Public availability.

Federal Register, publication.

notice to that effect in the Federal Register and submission of notice thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such notice shall be published and submitted at least sixty days before the revision is made.

98 STAT. 1633

EXTENSION OF NATIONAL FOREST BOUNDARY

16 USC 543a.

SEC. 302. (a) The exterior boundary of the Inyo National Forest is hereby extended to include the area within the boundary of the Scenic Area. Any lands and interests therein acquired pursuant to section 303 shall become part of the National Forest System.

16 USC 460*l*-9.
16 USC 460*l*-4—460*l*-11.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460*l*-4 through 460*l*-11), the boundary of the Inyo National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1964.

ACQUISITION

16 USC 543b.

SEC. 303. (a) The Secretary is authorized to acquire all lands and interests therein within the boundary of the Scenic Area by donation, exchange in accordance with this title or other provisions of law, or purchase with donated or appropriated funds, except that—

(1) any lands or interests therein within the boundary of the Scenic Area which are owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only by donation or exchange; and

(2) lands or interests therein within the boundary of the Scenic Area which are not owned by the State of California or any political subdivision thereof (including the city of Los Angeles) may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the Scenic Area or which is otherwise incompatible with the purposes of this title.

Guidelines, publication.

(b)(1) Not later than six months after the date of enactment of this title, the Secretary shall publish specific guidelines under which determinations shall be made under paragraph (2) of subsection (a). No use which existed prior to June 1, 1984, within the area included in the Scenic Area shall be treated under such guidelines as a detrimental or incompatible use within the meaning of such paragraph (2).

(2) For purposes of subsection (a)(2), any development or proposed development of private property within the boundary of the Scenic Area that is significantly different from, or a significant expansion of, development existing as of June 1, 1984, shall be considered by the Secretary as detrimental to the integrity of the Scenic Area. No reconstruction or expansion of a private or commercial building, including—

(A) reconstruction of an existing building,

(B) construction of attached structural additions, not to exceed 100 per centum of the square footage of the original building, and

(C) construction of reasonable support development such as roads, parking, water and sewage systems shall be treated as detrimental to the integrity of the Scenic Area or as an incompatible development within the meaning of paragraph (2) of subsection (a).

Conservation.

(c) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of

98 STAT. 1634 any exchange of mineral or geothermal interest authorized by this title.

ADMINISTRATION

16 USC 543c

SEC. 304. (a)(1) Except as otherwise provided in this title, the Secretary, acting through the Chief of the Forest Service, shall administer the Scenic Area as a separate unit within the boundary of the Inyo National Forest in accordance with the laws, rules, and regulations applicable to the National Forest System. All Bureau of Land Management administered lands that fall within the boundaries of the Scenic Area are hereby added to the Inyo National Forest and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System.

(2) In addition, the following parcels administered by the Bureau of Land Management are hereby added to the Inyo National Forest and shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System:

township 1 south; range 26 east; Mount Diablo Meridian:
  east half of southwest quarter and south half of southeast quarter of section 10; and
township 1 north; range 26 east; Mount Diablo Meridian:
  southwest quarter of northeast quarter and west half of southeast quarter of section 9;
  southwest quarter of southwest quarter of section 15;
  southwest quarter of northwest quarter and northwest quarter of southwest quarter of section 25;
  north half of southeast quarter of section 26, west half of northwest quarter and northwest quarter of southwest quarter of section 27;
township 1 north; range 27 east; Mount Diablo Meridian:
  east half of southeast quarter of section 34;
  southwest quarter of northwest quarter of section 35; and
  west half of section 30 as intersected by Scenic Area Boundary.

(b)(1) In a manner consistent with the protection of the water rights of the State of California or any political subdivision thereof (including the city of Los Angeles) or of any person to the extent that such water rights have been granted or modified under the laws of the State of California, the Secretary shall manage the Scenic Area to protect its geologic, ecologic, and cultural resources. The Secretary shall provide for recreational use of the Scenic Area and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this title, and may assist adjacent affected local governmental agencies in the development of related interpretive programs. The Secretary shall permit the full use of the Scenic Area for scientific study and research in accordance with such rules and regulations as he may prescribe.

(2) Except as specifically provided in this subsection, no commercial timber harvesting shall be permitted in the Scenic Area, but the Secretary shall permit the utilization of wood material such as firewood, posts, poles, and Christmas trees by individuals for their domestic purposes under such regulations as he may prescribe to protect the natural and cultural resources of the Scenic Area. The Secretary may take action including the use of commercial timber harvest to the minimum extent necessary to control fires, insects and diseases that might—

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(A) endanger irreplaceable features within the Scenic Area, or

(B) cause substantial damage to significant resources adjacent to the Scenic Area.

(c) The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the Scenic Area to continue to exercise such permits consistent with other applicable law.

(d) The Secretary may enter into cooperative agreements with the

State of California and any political subdivision thereof (including the city of Los Angeles) for purposes of protecting Scenic Area resources and administering areas owned by the State or by any such political subdivision which are within the Scenic Area.

Management plan

(e) Within three years after the date of enactment of this title, the Secretary shall submit to the committees referred to in section 301, a detailed and comprehensive management plan for the Scenic Area which is consistent with the protection of water rights as provided in subsection (b)(1). The plan shall include but not be limited to—

(1) an inventory of natural (including geologic) and cultural resources;

(2) general development plans for public use facilities, including cost estimates; and

(3) measures for the preservation of the natural and cultural resources of the Scenic Area in accordance with subsections (a) and (b) of this section.

Such plan shall provide for hunting and fishing (including commercial brine shrimp operations authorized under State law) within the Scenic Area in accordance with applicable Federal and State law, except to the extent otherwise necessary for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment.

(f) The Secretary is authorized to construct a visitor center in the Scenic Area for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the natural and cultural resources of the Scenic Area.

30 USC 1001 note.

(g)(1) Subject to valid existing rights, federally owned lands and interests therein within the Scenic Area are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

(2) Subject to valid existing rights, all mining claims located within the Scenic Area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

(h) Nothing in this title shall be construed to reserve any water for purposes of the Scenic Area or to affirm, deny, or otherwise affect the present (or prospective) water rights of any person or of the State of California or of any political subdivision thereof (including the city of Los Angeles), nor shall any provision of this title be construed to cause, authorize, or allow any interference with or infringement of such water rights so long as, and to the extent that, those rights remain valid and enforceable under the laws of the State of California.

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Repeal.

(i)(1) The Act entitled "An Act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, California, certain public lands in California; and granting rights-of-way over public lands and reserved lands to the city of Los Angeles in Mono County in the State of California", approved June 23, 1936 (49 Stat. 1892), is hereby repealed.

(2) The Secretary and the Secretary of the Interior shall grant and convey rights-of-way easements, at no cost, to the city of Los Angeles for those rights-of-way on public lands and national forest lands in Mono County, California, as described and set forth in maps and accompanying descriptions which were—

(A) filed by the city of Los Angeles with the Secretary of the Interior on October 24, 1944, and

(B) accepted as proof of construction on behalf of the United States by the Commissioner of the General Land Office on January 4, 1945.

Such easement conveyances shall provide for the right of the city to continue its present operations and to maintain, reconstruct, and replace all existing water and power facilities located within the bounds of the area described in the maps and descriptions referred to in the preceding sentence. The United States shall reserve in the conveyance easements all rights to use and permit the use by others of the lands so conveyed to the extent that such use does not unreasonably interfere with the rights granted herein to the city of Los Angeles.

(3) The grant in paragraph (2) of this subsection shall become effective upon relinquishment in writing by the city of Los Angeles of its applications dated October 20, 1944, and January 17, 1945, to purchase twenty-three thousand eight hundred and fifty acres of Federal land.

(4) The easements granted under paragraph (2) of this subsection shall provide that whenever the city of Los Angeles ceases to use the land or any part thereof subject to such easements for the purposes for which it is currently being used, as of the date of enactment of this title, all interests in such land or part thereof shall revert to the United States.

(j) Existing community recreational uses, as of the date of enactment of this title, shall be permitted at the levels and locations customarily exercised.

STUDIES

16 USC 543d.

SEC. 305. The Secretary shall take such steps as may be necessary to, within one hundred and eighty days of the date of enactment of this title, enter into a contract with the National Academy of Sciences for the purpose of conducting a scientific study of the ecology of the Scenic Area. The study shall provide for consultation with knowledgeable local, State, Federal, and private persons and organizations and shall provide findings and recommendations to the Congress. Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Chief of the Forest Service not later than January 1, 1987. Progress reports regarding the study shall be transmitted to the above committees on January 1, 1985, and January 1 of each year thereafter.

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ADVISORY BOARD

Establishment.
16 USC 543e.

SEC. 306. (a) There is hereby established the Scenic Area Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the administration of the Scenic Area with respect to policies, programs, and activities in accordance with this title;

(2) the preparation and implementation of the comprehensive management plan; and

(3) the location of the visitor center authorized by section 304(f).

(b) The Board shall be composed of nine members, who shall be selected as follows:

(1) five members appointed by the Mono County Board of Supervisors;

(2) two members appointed by the Governor of California (one of whom shall be an employee of the California Division of Parks and Recreation);

(3) one member appointed by the mayor of the city of Los Angeles; and

(4) one member appointed by the Secretary (who shall be an employee of the Forest Service).

(c) Each member of the Board shall be appointed to serve for a term of three years except that the initial appointments shall be for terms as follows:

(1) of those members appointed by the Mono County Board of Supervisors one shall be appointed to serve for a term of one year, two shall be for a term of two years, and two shall be for a term of three years;

(2) of those members appointed by the Governor of California one shall be appointed to serve for a term of one year and one shall be appointed to serve for a term of three years;

(3) the member appointed by the mayor of the city of Los Angeles shall be appointed to serve for a term of two years; and

(4) the member appointed by the Secretary shall be appointed to serve for a term of three years.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this title. The members of the Board shall, at their first meeting, elect a Chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the administration of the scenic area.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their duties under this title.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(h) A majority of those members appointed shall constitute a quorum for the conduct of all business of the Board.

Termination.

(i) The Board shall terminate ten years from the date of its first meeting.

98 STAT. 1638

TRADITIONAL NATIVE AMERICAN USES

16 USC 543f.

SEC. 307. In recognition of the past use of the Scenic Area by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to Scenic Area lands by Indian people for such traditional cultural and religious purposes, including the harvest of the brine fly larvae. Such direction shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (92 Stat. 469). As a part of the plan prepared pursuant to section 304(c) of this title, the Secretary shall, in consultation with appropriate Indian tribes, define the past cultural and religious uses of the Scenic Area by Indians.

42 USC 1996 and note.

AUTHORIZATION OF APPROPRIATIONS

16 USC 543g.

SEC. 308. In addition to other amounts available for such purposes, effective October 1, 1985, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

COMPLIANCE WITH BUDGET ACT

16 USC 543h.
2 USC 651.

SEC. 309. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Approved September 28, 1984.

LEGISLATIVE HISTORY—H.R. 1437:

HOUSE REPORT No. 98-40 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-582 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 129 (1983):
  Apr. 12, considered and passed House.
  Aug. 9, considered and passed Senate, amended.
  Sept. 12, House agreed to Senate amendment.

98 STAT. 1671 Public Law 98-432
98th Congress

An Act

Sept. 28, 1984
[S. 1735]

Entitled the "Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act".

Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act.
Tokeland, Wash.
Private lands.
Patent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shoalwater Bay Indian Tribe—Dexter-by-the-Sea Claim Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) there is pending before the United States District Court for the Western District of Washington at Tacoma a civil action numbered C83-167T entitled the "Shoalwater Bay Indian Tribe, a federally recognized Indian tribe against Joe Amador and Jean Amador, et al.", which involves claims to certain privately held lands within the Shoalwater Bay Indian Reservation in Tokeland, Washington, known as Dexter-by-the-Sea and First Addition Dexter-by-the-Sea;

(2) the owners of such lands derive their title from a patent issued by the United States Government to George N. Brown on August 1, 1872, certificate numbered 3763;

(3) the Shoalwater Bay Indian Reservation was established by Executive order of President Andrew Johnson on September 22, 1866, and is alleged to include the lands claimed by the Shoalwater Bay Indian Tribe in such civil action;

(4) in its patent to George N. Brown in 1872, the United States failed to exempt the lands claimed by the Shoalwater Bay Indian Tribe in such civil action from the Shoalwater Bay Indian Reservation established in 1866;

(5) since 1872, such lands have been the subject of disputes claiming dual chains of title in the United States as trustee for the Shoalwater Bay Indian Tribe and the patentee, George N. Brown and his successors in title, the defendants in the civil action;

(6) the pendency of the civil action has placed a cloud on the titles held by residents of Dexter-by-the-Sea and First Addition Dexter-by-the-Sea rendering their property essentially unmarketable; and

(7) a legislative resolution of such civil action is appropriate because the United States Government is responsible for the failure to except the land now known as Dexter-by-the-Sea and First Addition Dexter-by-the-Sea from the patent to George N. Brown in 1872.

SEC. 3. Upon receipt of the funds to be paid from the Treasury of the United States under section 4 of this Act:

(a) All rights, title, and interests of the Shoalwater Bay Indian Tribe, in, and claims to, the lands which are located within the State of Washington in the westerly portion of Government lot

98 STAT. 1672

1 in section 11, township 14N, range 11W, W.N., that are the subject of the civil action referred to in section 2(1) of this Act and are known as Dexter-by-the-Sea Subdivision and First Addition to Dexter-by-the-Sea Subdivision, shall be extinguished.

(b) The lands described in subsection (a) shall not be considered to be within the exterior boundaries of the Shoalwater Bay Indian Reservation. Except to the extent provided in the preceding sentence, the exterior boundaries of such reservation shall not be affected by the provisions of this Act.

(c) The validity of the patent issued by the United States on August 1, 1872, to George N. Brown, certificate numbered 3763, shall be ratified.

SEC. 4. (a)(1) If the requirements of subsection (b) of this section are met, the Secretary of the Treasury is authorized and directed in fiscal year 1985 to pay, out of funds in the Treasury of the United States not otherwise appropriated, $1,115,000 directly to the Shoalwater Bay Indian Tribe.

(2) The funds described in paragraph (1) shall be paid by the Secretary of the Treasury in full settlement of all claims of the Shoalwater Bay Indian Tribe, and of any other party to such civil action described in section 2(1), which arise by reason of the issuance of the patent described in section 3(c).

(b) The requirements of this subsection are met if—

(1) the governing body of the Shoalwater Bay Indian Tribe adopts a resolution which—

(A) authorizes the execution by an officer or official of such tribe of documents as the Secretary of the Interior determines to be necessary to settle the claims described in subsection (a)(2),

(B) waives all rights and claims of such tribe against the United States, and against any other person, which arise by reason of the issuance of the patent described in section 3(c), and

(C) is approved by the Secretary of the Interior, and

(2) a final order is entered in the civil action described in section 2(1) which dismisses with prejudice all claims, cross-claims, counterclaims, third-party claims, and all other claims arising out of such civil action.

Prohibition.

(c) None of the funds paid to the Shoalwater Bay Indian Tribe under subsection (a)(1) shall be used to make any per capita distribution to members of such tribe.

SEC. 5. (a) The Shoalwater Bay Indian Tribe is authorized to utilize the funds paid to the tribe under provisions of this Act for any purpose authorized by ordinance or resolution of the tribe, including investment for economic development purposes.

Audit.
Public availability.

(b) The tribe shall maintain a segregated accounting system for all principal and income from such funds and shall cause an annual audit to be conducted by an independent certified public accountant. The results of such audit shall be made available for inspection by any enrolled member of the tribe and shall be made available to the Secretary of the Interior.

Funds.

(c) Except as otherwise provided in this section, funds held and administered by the Shoalwater Bay Indian Tribe which are the subject of this Act, and income derived therefrom, shall be treated in the same fashion as if held in trust by the Secretary of the Interior: *Provided*, That nothing in this Act shall be construed as requiring that the Secretary of the Interior give any prior approval to investment or expenditure of these funds.

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Funds.

(d) Upon payment of the funds to the Shoalwater Bay Indian Tribe, the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of such funds.

Taxes.

(e) None of the funds or income therefrom distributed under this Act shall be subject to Federal or State income taxes or be considered as income or resources in determining eligibility for or the amount of assistance under the Social Security Act or any other federally assisted program. 42 USC 1305.

Approved September 28, 1984.

LEGISLATIVE HISTORY—S. 1735 (H.R. 5714):

HOUSE REPORT No. 98-990 accompanying H.R. 5714 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-439 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 24, considered and passed Senate.
Sept. 11, H.R. 5714 considered and passed House; S. 1735 considered and passed House.

98 STAT. 1675

Public Law 98-434
98th Congress

An Act

Sept. 28, 1984
[H.R. 71]

To authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes.

High Plains States Groundwater Demonstration Program Act of 1983.
43 USC 390g note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains States Groundwater Demonstration Program Act of 1983".

43 USC 390g.

SEC. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for groundwater recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 1 of the Reclamation Act of 1902 (hereinafter referred to as "other Reclamation Act States"), as provided by this Act: *Provided,* That funds made available pursuant to this Act shall not be used for the study or construction of groundwater recharge demonstration projects in the High Plains States and other Reclamation Act States which would utilize water originating in the drainage basin of the Great Lakes. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out this Act.

43 USC 391.
Prohibition.

43 USC 390g-1.

SEC. 3. (a) During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided,* That contributions of such technical resources and assistance may be counted as part of the inkind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemical, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the

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selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

Report.

(d) Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) and a detailed statement of his findings and conclusions.

43 USC 390g-2.

SEC. 4. (a) During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in section 4(c).

Contracts with U.S.

(b) During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective States and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

Reports.

(c)(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a);

(B) the results of the studies referred to in subsection (b);

(C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

43 USC 390g-3.

SEC. 5. The Secretary, acting through the Bureau, and the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall enter into a memorandum-of-understanding to provide for an evaluation of the impacts to surface water and groundwater quality resulting from the groundwater recharge demonstration projects constructed pursuant to this

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Act. The Administrator shall consult with the United States Geological Survey and shall make maximum use of data, studies, and other technical resources and assistance available from State and local entities in conducting the evaluation. The evaluation of water quality impacts shall be completed so as to be included in the Secretary's final report to the Congress referred to in section 4(c)(2) of this Act.

Appropriation authorization.
43 USC 390g-4.

SEC. 6. There is authorized to be appropriated $500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

Appropriation authorization.
43 USC 390g-5.

SEC. 7. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, $20,000,000 (October 1983 price levels) to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in sums for individual projects based on findings of feasibility by the Secretary.

Matching funds.
43 USC 390g-6.

SEC. 8. The funds authorized to be appropriated pursuant to section 7 of this Act shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, inkind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

43 USC 390g-7.
2 USC 651.

SEC. 9. Any new spending authority described in subsection (c)(2)(A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act (or under any amendment made by this Act) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

Water transfer from Arkansas, prohibition.
43 USC 390g-8.

SEC. 10. No funds authorized to be appropriated by this Act shall be used for any activities associated with:

(1) the interstate transfer of water from the State of Arkansas; or

(2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

Approved September 28, 1984.

LEGISLATIVE HISTORY—H.R. 71:

HOUSE REPORT No. 98-167 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-372 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): June 20, considered and passed House.
Vol. 130 (1984): Aug. 10, considered and passed Senate, amended.
Sept. 14, House concurred in Senate amendments.

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98 STAT. 1725

Public Law 98-449
98th Congress

An Act

Oct. 4, 1984
[S. 2614]

To reauthorize and amend the Indian Financing Act.

Indian Financing Act Amendments of 1984.
25 USC 1451 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act Amendments of 1984".

SEC. 2. Section 101 of the Indian Financing Act of 1974 (25 U.S.C. 1461) is amended by striking out "which are not members of or eligible for membership in an organization which is making loans to its members".

SEC. 3. Section 105 of the Indian Financing Act of 1974 (25 U.S.C. 1465) is amended by striking out "United States: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)" and inserting in lieu thereof "United States".

SEC. 4. Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended by striking out "who are not members of or eligible for membership in an organization which is making loans to its members".

SEC. 5. Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended—

(1) by striking out "$100,000" in the fourth sentence and inserting in lieu thereof "$350,000",

(2) by inserting the following sentence after the first sentence: "The Secretary shall review each loan application individually and independently from the lender.".

SEC. 6. Section 211 of the Indian Financing Act of 1974 (25 U.S.C. 1491) is amended by striking out "section: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)" and inserting in lieu thereof "section".

Appropriation authorization.

SEC. 7. Section 217 of the Indian Financing Act of 1974 (25 U.S.C.

1497) is amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated for each fiscal year beginning in fiscal year 1985 such sums as may be necessary to fulfill obligations with respect to losses on loans guaranteed or insured under this title. All collections shall remain until expended.".

Appropriation authorization.

SEC. 8. Section 302 of the Indian Financing Act of 1974 (25 U.S.C. 1512) is amended to read as follows:

"There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, an amount which does not exceed $5,500,000 for purposes of making interest payments authorized under this title. Sums appropriated under this section, shall remain available until expended.".

SEC. 9. Section 402(a) of the Indian Financing Act of 1974 (25 U.S.C. 1522) is amended to read as follows:

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"No grant in excess of $100,000 in the case of an Indian and $250,000 in the case of an Indian tribe, or such lower amount as the Secretary may determine to be appropriate, may be made under this title.".

Appropriation authorization.

SEC. 10. Section 403 of the Indian Financing Act of 1974 (25 U.S.C. 1523) is amended to read as follows:

"There are authorized to be appropriated not to exceed the sum of $10,000,000 per year for fiscal year 1986 and each fiscal year thereafter for the purposes of this title.".

Securities.
25 USC 47a.

SEC. 11. The Secretary, in his discretion, may require security other than bonds required by the Miller Act (40 U.S.C. 270a) when entering into a contract with an Indian-owned economic enterprise pursuant to the provisions of the Act of June 25, 1910 (25 U.S.C. 47), for the construction, alteration, or repair of any public work of the United States: *Provided*, That, the alternative form of security provides the United States with adequate security for performance and payment.

SEC. 12. Section 501 of the Indian Financing Act of 1974 (25 U.S.C. 1541) is amended to read as follows:

"Prior to and concurrent with the making or guaranteeing of any loan under subchapters I and II of this chapter and with the making of a grant under subchapter IV of this chapter, the purpose of which is to fund the development of an economic enterprise, the Secretary shall insure that the loan or grant applicant shall be provided competent management and technical assistance for preparation of the application and/or administration of funds granted consistent with the nature of the enterprise proposed to be or in fact funded.".

25 USC 1461, 1481.
25 USC 1521.

SEC. 13. Section 503 of the Indian Financing Act of 1974 (25 U.S.C. 1543) is amended to read as follows:

"For the purpose of entering into contracts pursuant to section 502 of this title in fiscal year 1985, the Secretary is authorized to use not to exceed 6 percent of any funds appropriated for any fiscal year pursuant to section 302 of this Act. For fiscal year 1986 and for each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.".

25 USC 1542.
25 USC 1512.
Appropriation authorization.

Approved October 4, 1984.

LEGISLATIVE HISTORY—S. 2614 (H.R. 5519):

HOUSE REPORT No. 98-991 accompanying H.R. 5519 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-459 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  June 8, considered and passed Senate.
  Sept. 11, H.R. 5519 considered and passed House; S. 2614, amended, passed in lieu.
  Sept. 21, Senate concurred in House amendments with an amendment.
  Sept. 24, House concurred in Senate amendment.

98 STAT. 1732 Public Law 98-454
98th Congress

An Act

Oct. 5, 1984
[H.R. 5561]

To enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Appropriation authorization.

SEC. 101. From the sums authorized to be appropriated to the Secretary of the Interior for technical assistance to the territories there may be appropriated not to exceed $2,000,000 for each of fiscal years 1985, 1986, and 1987 for technical assistance (including but not limited to management, marketing, and finance) in developing private enterprises in Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

Report.

SEC. 102. The Secretary of the Interior is authorized and directed to report to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate not later than Janaury 1 of fiscal years 1985, 1986, and 1987 on the executive branch's efforts regarding and recommendations for developing private enterprises in Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

TITLE II

SEC. 201. (a) Subsection (b) of section 8 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574) is amended—

(1) by striking out "shall be sold at public sale and" in the fourth sentence of paragraph (i), and

Taxes.

(2) by adding at the end thereof the following new paragraph:

"(iii)(A) The legislature of the government of the Virgin Islands may cause to be issued after September 30, 1984, industrial development bonds (within the meaning of section 103(b)(2) of the Internal Revenue Code of 1954).

26 USC 103.

"(B) Except as provided in subparagraph (C), any obligation issued under subparagraph (A) and the income from such obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

Prohibition.

"(C) Any obligation issued under subparagraph (A) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

"(D) For purposes of this paragraph—

"(I) The term 'State' includes the District of Columbia.

"(II) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

98 STAT. 1733

"(E) For exclusion of interest for purposes of Federal income taxation, see section 103 of the Internal Revenue Code of 1954.".

26 USC 103.
48 USC 1670.

SEC. 202. (a) The legislature of the government of American Samoa may cause to be issued after September 20, 1984, industrial development bonds (within the meaning of section 103(b)(2) of the Internal Revenue Code of 1954).

Taxes.

(b)(1) Except as provided in paragraph (2), any obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

Prohibition.

(2) Any obligation issued under subsection (a) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

(3) For purposes of this subsection—

(A) The term "State" includes the District of Columbia.

(B) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

(c) For exclusion of interest for purposes of Federal income taxation, see section 103 of the Internal Revenue Code of 1954.

Refinancing agreement.

SEC. 203. Section 11 of the Organic Act of Guam (64 Stat. 387, 48 U.S.C. 1423a), as amended, is amended by inserting, immediately before the sentence that begins with the words "Should the Guam Power Authority fail to pay", the following language: "At the request of the Board of Directors of the Guam Power Authority for a second refinancing agreement and conditioned on the approval of the Government of Guam pursuant to the law of Guam, and conditioned on the establishment of an independent rate-making authority by the Government of Guam, the Secretary may guarantee for purchase by the Federal Financing Bank, on or before December 31, 1984, according to an agreement that shall provide for—

"(a) substantially equal semiannual installments of principal and interest;

"(b) maturity of obligations no later than December 31, 2004;

"(c) authority for the Secretary, should there be a violation of a provision of this legislation, or covenants or stipulations contained in the refinancing document and after giving sixty days notice of such violation to the Guam Power Authority and the Governor of Guam, to dismiss members of the Board of Directors or the general manager of the Guam Power Authority, and (1) appoint in their place members or a general manager who shall serve at the pleasure of the Secretary, or (2) contract for the management of the Guam Power Authority; and

"(d) an annual simple interest rate of seven per centum; and the Federal Financing Bank shall purchase such Guam Power Authority obligations if such Guam Power Authority obligations are issued to refinance the principal amount scheduled to mature on December 31, 1990. Should such second refinancing occur, (1) the independent rate-making authority to be established by the Government of Guam, or in its absence, the Board of Directors of the Guam Power Authority, shall establish rates sufficient to satisfy all financial obligations and future capital investment needs of the Guam Power Authority that shall be consistent with generally accepted rate-making practices of public utilities, and (2) the Government of Guam shall not modify the requirements of such refinancing agreement without

98 STAT. 1734

Appropriation authorizations.

agreement of the Secretary. There are authorized to be appropriated to the Secretary of the Interior for payment to the Federal Financing Bank such sums as are necessary to pay (1) the repurchase payment required under the fifth paragraph of the December 31, 1980, note from the Guam Power Authority to the Federal Financing Bank and any subsequent repurchase payments required under the second refinancing agreement, and (2) the interest rate differential between the seven per centum to be paid by the Guam Power Authority and the second refinancing agreement and the interest rate that would otherwise be determined in accordance with the above cited section 6 of the Federal Financing Bank Act.".

12 USC 2285.

26 USC 103A note.

SEC. 204. (a) The Governor of any possession of the United States may for calendar years 1984 and 1985 proclaim a formula (different from that provided by section 103A(g) of the Internal Revenue Code of 1954) for allocating the State ceiling under such section among the governmental units in such possession having authority to issue qualified mortgage bonds (as defined in section 103A(c) of such Code).

26 USC 103A.

(b) The authority provided by subsection (a) shall not apply after the effective date of any legislation with respect to the allocation of the State ceiling enacted by the legislature of the possession after the date of the enactment of this Act.

TITLE III

SEC. 301. Title 46, United States Code, is amended—

97 Stat. 501.

(a) in section 2101 add a new paragraph (3a) to read as follows: "(3a) 'citizen of the United States' means a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note).";

Fish and fishing.
Vessels.
97 Stat. 586.

(b) in section 12106 add the following at the end:

"(c) A coastwise license to engage in the coastwise trade of fisheries products between places in Guam, American Samoa, and the Northern Mariana Islands may be issued for a vessel that—

"(1) is less than two hundred gross tons;

"(2) was not built in the United States;

"(3) is eligible for documentation; and

"(4) otherwise qualifies under the laws of the United States to be employed in the coastwide trade."; and

Fish and fishing.
Vessels.
97 Stat. 587.

(c) in section 12108 add the following at the end:

"(c) A fishery license to engage in fishing in the territorial sea and fishery conservation zone adjacent to Guam, American Samoa, and the Northern Mariana Islands may be issued to a vessel that—

"(1) is less than two hundred gross tons;

"(2) was not built in the United States;

"(3) is eligible for documentation; and

"(4) otherwise qualifies under the laws of the United States to be employed in the fisheries.".

98 STAT. 1735

Vessels.
46 USC app. 808a.
46 USC 12101 *et seq.*
97 Stat. 501.
46 USC 808.

SEC. 302. A vessel that is or was last documented under chapter 121 of title 46, United States Code, may be sold, chartered, leased, mortgaged, or transferred by any other means to a citizen of the United States (as defined in section 2101 of that title) without the approval of the Secretary of Transportation under section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808).

46 USC 12106 note.
Ante, p. 1734.

SEC. 303. The weight limitations contained in subsections (b) and (c) of section 301 above shall not apply to the Northern Mariana Islands until the termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands (61 Stat. 3301).

TITLE IV

SEC. 401. To further the rehabilitation, upgrading, and construction of public facilities in the territories of the United States—

Effective date.

(a) Section 1(a)(1) of the Act of August 18, 1978 (92 Stat. 487), as amended, is further amended by adding "effective October 1, 1985, $16,300,000," before the words "such sums".

Appropriation authorization.

(b)(1) There are authorized to be appropriated $600,000 in fiscal year 1985 (to remain available until expended) to the Secretary of the Interior who, in consultation with and with the assistance of the Secretary of Transportation, shall use said funds exclusively for planning improvements for the Alexander Hamilton Airport in St. Croix, Virgin Islands.

(2) Section 303 of the Act of October 19, 1982 (96 Stat. 1705), as amended, is further amended by inserting after "water and power" the words "and improvements for the Alexander Hamilton Airport in St. Croix, Virgin Islands".

Housing.

(c) The Secretary of the Interior is authorized and directed, in consultation with and with the assistance of the Secretary of Housing and Urban Development, to study the desirability and feasibility of initiating a program for the development of housing in American Samoa and including the territory in existing Federal housing programs and to submit such recommendations (such recommendations to include, but are not limited to, any changes or modifications which would be necessary to such existing Federal housing programs to adapt them to the culture and traditions of American Samoa) as he may deem appropriate to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of the United States within one year of the date of enactment of this Act.

(d) There are authorized to be appropriated $15,000,000 in fiscal year 1986 (to remain available until expended) to the Secretary of the Interior for grants to the government of Northern Mariana Islands for improvements in the production and distribution of water.

Appropriation authorization.

TITLE V

SEC. 501. There is hereby conveyed, without consideration, to the Frederick Lutheran Church of Charlotte Amalie, St. Thomas, Virgin Islands, all of the right, title, and interest of the United States in and to parcel numbered 9F, Estate Hospital Ground, Numbered 9 New Quarter, St. Thomas, Virgin Islands (known as Ebenezer Home), and improvements thereof.

Gifts and property.

SEC. 502. Section 11 of the Revised Organic Act of the Virgin Islands, as amended, is further amended by striking the words "St. Croix, free of rent" and inserting in lieu thereof "Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands".

Gifts and property.
48 USC 1591.

SEC. 503. The Department of the Army may remove from American Samoa any of the 4500 kilowatt power plants sent to American Samoa pursuant to the 1974 loan agreement between the Department of the Army and the Department of the Interior, and all charges that may accrue or may have accrued under such agreement shall be excused.

Energy.
Loans.

SEC. 504. Section 818(b)(2) of the Military Construction Authorization Act, 1981 (Public Law 96-418) is amended by adding at the end thereof the following: "Reasonable development costs shall be a fixed standard percentage of such monetary consideration received by the Government of Guam. The fixed standard percentage shall be determined by a study, conducted by the Secretary, typical development costs required to convert comparable lands to finished developed sites, except that such percentage shall not exceed 30 percent."

94 Stat. 1782.
Study.

TITLE VI

SEC. 601. To rationalize the application of certain statutes so that the development of the territories of the United States is facilitated—

(a) section 1013 of the Act of November 10, 1978 (92 Stat. 3467) is amended by deleting "subsection" and inserting in lieu thereof "section"; 16 USC 2512.

(b) section 501(d) of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (91 Stat. 1159), as amended, is further amended by deleting "Samoa" where it appears and inserting in lieu thereof "Samoa, Guam, the Virgin Islands,"; 48 USC 1469a.

(c) section 119(n)(1) of the Act of August 22, 1974 (88 Stat. 633), as amended, is further amended by deleting "Guam" and inserting in lieu thereof "Guam, American Samoa, the Northern Mariana Islands"; 42 USC 5318.

(d) section 17(a) of the Act of April 27, 1935 (49 Stat. 163), as amended, is further amended by deleting "Puerto Rico, and the Virgin Islands" and "Puerto Rico and the Virgin Islands" and inserting in lieu thereof "Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands"; 16 USC 590q.

(e) the Act of December 22, 1975 (89 Stat. 871), as amended, is amended by deleting "Samoa" in sections 391(a) and 398(b) and inserting in lieu thereof "Samoa, the Northern Mariana Islands"; 42 USC 6371, 6371g.

(f) section 3(4) of the Energy Policy and Conservation Act (42 U.S.C. 6202(4)), is amended to read as follows:

"(4) The term 'State' means a State, the District of Columbia, Puerto Rico, the Trust Territory of the Pacific Islands, or any territory or possession of the United States.".

(g) section 513(2) of the National Energy Extension Service Act (42 U.S.C. 7011(2)), is amended to read as follows:

"(2) 'State' means a State, the District of Columbia, Puerto Rico, the Trust Territory of the Pacific Islands, or any territory or possession of the United States."; and

(h) amend the first sentence of section 30 of the Organic Act of Guam (64 Stat. 392, as amended 48 U.S.C. 1421h) by adding after the words "inhabitants of Guam" the following: "(including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam)".

98 STAT. 1737

Sec. 602. Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

Aliens.

"(l) The requirement of paragraph (26)(B) of subsection (a) may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior jointly determined that—

"(1) Guam has developed an adequate arrival and departure control system, and

Defense and national security.

"(2) such a waiver does not represent a threat to the welfare, safety, or security of the United States.".

(b) Section 214(a) of such Act (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to Guam without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States other than in Guam or to remain in Guam for a period exceeding fifteen days from date of admission to Guam.".

Supra.

TITLE VII

VIRGIN ISLANDS

Law enforcement.
68 Stat. 497.

Sec. 701. In section 3 of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 4981; 48 U.S.C. 1561), the proviso in the next to the last paragraph is amended to read as follows: "*Provided*, That all offenses against the laws of the United States and the laws of the Virgin Islands which are prosecuted in the district court pursuant to sections 22 (a) and (c) of this Act may be had by indictment by grand jury or by information, and that all offenses against the laws of the Virgin Islands which are prosecuted in the district court pursuant to section 22(b) of this Act or in the courts established by local law shall continue to be prosecuted by information, except such as may be required by local law to be prosecuted by indictment by grand jury.".

Post, p. 1738.
48 USC 1612.

Post, p. 1738.

Courts, U.S.

Sec. 702. Section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611) is amended to read as follows:

"Sec. 21. (a) The judicial power of the Virgin Islands shall be vested in a court of record designated the 'District Court of the Virgin Islands' established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.

"(b) The legislature of the Virgin Islands may vest in the courts of the Virgin Islands established by local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 22 (a) and (c) of this Act.

"(c) The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.".

98 STAT. 1738

Courts, U.S. Crimes and misdemeanors. Law enforcement.

SEC. 703. (a) Section 22 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1612) is amended to read as follows:

"SEC. 22. (a) The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, United States Code, and that of a bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of the Internal Revenue Code of 1954 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States attorney for the Virgin Islands, notwithstanding the provisions of section 27 of this Act.

Taxes.

26 USC 7201 *et seq.*

Post, p. 1741.

"(b) In addition to the jurisdiction described in subsection (a) the District Court of the Virgin Islands shall have general original jurisdiction in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands: *Provided*, That the jurisdiction of the District Court of the Virgin Islands under this subsection shall not extend to civil actions wherein the matter in controversy does not exceed the sum or value of $500, exclusive of interest and costs; to criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of $100 or imprisonment for six months, or both; and to violations of local police and executive regulations. The courts established by local law shall have jurisdiction over the civil actions, criminal cases, and violations set forth in the preceding proviso. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by local law for the purposes of determining the availability of indictment by grand jury or trial by jury.

"(c) The District Court of the Virgin Islands shall have concurrent jurisdiction with the courts of the Virgin Islands established by local law over those offenses against the criminal laws of the Virgin Islands, whether felonies or misdemeanors or both, which are of the same or similar character or part of, or based on, the same act or transaction or two or more acts or transactions connected together or constituting part of a common scheme or plan, if such act or transaction or acts or transactions also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction pursuant to subsections (a) and (b) of this section.".

48 USC 1612 note.

(b) The provisions of this section shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the

98 STAT. 1739

Courts, U.S.

SEC. 704. Section 23 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1613) is amended to read as follows:

"SEC. 23. The relations between the courts established by the Constitution or laws of the United States and the courts established by local law with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 21(a) of this Act, the United States Court of Appeals for the Third Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of the Virgin Islands from which a decision could be had. The Judicial Council of the Third Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this section.".

Ante, p. 1737.

Reports.

Courts, U.S.

SEC. 705. The Revised Organic Act of the Virgin Islands is amended by adding to it a new section 23A:

48 USC 1613a.

"SEC. 23A. (a) Prior to the establishment of the appellate court authorized by section 21(a) of this Act, the District Court of the Virgin Islands shall have such appellate jurisdiction over the courts of the Virgin Islands established by local law to the extent now or hereafter prescribed by local law: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this Act, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Virgin Islands or of any order or regulation issued or action taken by the executive branch of the government of the Virgin Islands with the Constitution, treaties, or laws of the United States, including this Act, or any authority exercised thereunder by an officer or agency of the United States.

"(b) Appeals to the District Court of the Virgin Islands shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The chief judge of the district court shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 24(a) of this Act: *Provided*, That no more than one of them may be a judge of a court established by local law. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure. Appeals pending in the district court on the effective date of this Act shall be heard and determined by a single judge.

Post, p. 1740.

98 STAT. 1740

"(c) The United States Court of Appeals for the Third Circuit shall have jurisdiction of appeals from all final decisions of the district court on appeal from the courts established by local law. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

Ante, p. 1737.

"(d) Upon the establishment of the appellate court provided for in section 21(a) of this Act all appeals from the decisions of the courts of the Virgin Islands established by local law not previously taken must be taken to that appellate court. The establishment of the appellate court shall not result in the loss of jurisdiction of the district court over any appeal then pending in it. The rulings of the district court on such appeals may be reviewed in the United States Court of Appeals for the Third Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.".

Courts, U.S.

SEC. 706. (a) Section 24(a) of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1614(a)) is amended to read as follows:

President of U.S.
Appointments.

"(a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of ten years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The judge of the district court who is senior in continuous service and who otherwise qualifies under section 136(a) of title 28, United States Code. shall be the chief judge of the court. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of a court of record of the Virgin Islands established by local law, or a circuit or district judge of the Third Judicial Circuit, or a recalled senior judge of the District Court of the Virgin Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.".

Crimes and misdemeanors.

(b) Section 24(b) of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1614(b)) is amended to read as follows:

18 USC 3001.
28 USC 501.
18 USC app.

"(b) Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and, notwithstanding the provisions of rule 7(a) and of rule 54(a) of the Federal Rules of Criminal Procedure relating to the requirement of indictment and to the prosecution of criminal offenses in the Virgin Islands by information, respectively, the rules of practice heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the district court and appeals therefrom: *Provided,* That the terms 'Attorney for the government' and 'United States attorney' as used in the Federal Rules of Criminal Procedure, shall, when applicable to causes arising under the income tax laws applicable to the Virgin Islands, mean the Attorney General of the Virgin Islands or such other person or persons as may be authorized by the laws of the Virgin Islands to act therein: *Provided further,* That in the district court all criminal prosecutions under the laws of the United States, under local law under section 22(c) of this Act, and under the income tax laws applicable to the Virgin Islands may be had by indictment by grand jury or by information: *Provided further,* That an offense which has been investigated by or presented to a grand jury may be prosecuted by information only by leave of court or with the consent of the defendant. All criminal prosecutions arising under local law which are tried in the district court pursuant to section 22(b) of this Act shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.".

18 USC app.

98 STAT. 1741

Ante, p. 1738.

Prohibition.
48 USC 1614 note.

(c) The provisions of subsection (a) of this section regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act.

Courts, U.S.

SEC. 707. Section 25 of the Revised Organic Act of the Virgin Islands (68 Stat. 507; 48 U.S.C. 1615) is amended to read as follows:

"SEC. 25. The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. Court for the Division of Saint Croix shall be held in Christiansted, and for the Division of Saint Thomas and Saint John at Charlotte Amalie.".

SEC. 708. Section 27 of the Revised Organic Act of the Virgin Islands (68 Stat. 507; 48 U.S.C. 1617) is amended by substituting the words "courts established by local law" for "inferior courts of the Virgin Islands" wherever they appear, and by deleting the last two sentences.

Repeal.

SEC. 709. The Act of May 20, 1932 (47 Stat. 160, 48 U.S.C. 1400) is repealed.

TITLE VIII

GUAM

Courts, U.S.

SEC. 801. Section 22 of the Organic Act of Guam (64 Stat. 389; 48 U.S.C. 1424), as amended, is amended to read as follows:

"SEC. 22. (a) The judicial authority of Guam shall be vested in a court of record established by Congress, designated the 'District Court of Guam,' and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 22A of this Act.

Post, p. 1742.

"(b) The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, United States Code, and that of a bankruptcy court of the United States.

"(c) In addition to the jurisdiction described in subsection (b), the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

98 STAT. 1742

48 USC 1424-1.

"SEC. 22A. (a) The local courts of Guam shall consist of such trial court or courts as may have been or may hereafter be established by the laws of Guam. On or after the effective date of this Act, the legislature of Guam may in its discretion establish an appellate court.

"(b) The legislature may vest in the local courts jurisdiction over all causes in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam by section 22(b) of this Act.

Ante, p. 1741.

"(c) The practice and procedure in the local courts and the qualifications and duties of the judges thereof shall be governed by the laws of Guam and the rules of those courts.

48 USC 1424-2.

"SEC. 22B. The relations between the courts established by the Constitution or laws of the United States and the local courts of Guam with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 22A(a) of this Act, the United States Court of Appeals for the Ninth Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of Guam from which a decision could be had. The Judicial Council of the Ninth Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all

Supra.

Reports.

such final decisions. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

"SEC. 22C. (a) Prior to the establishment of the appellate court authorized by section 22A(a) of this Act, the District Court of Guam shall have such appellate jurisdiction over the local courts of Guam as the legislature may determine: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this Act, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of Guam or of any orders or regulations issued or actions taken by the executive branch of the government of Guam with the Constitution, treaties, or laws of the United States, including this Act, or any authority exercised thereunder by an officer or agency of the United States.

48 USC 1424-3.
Supra.

"(b) Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The district judge shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division of any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 24 of this Act: *Provided*, That no more than one of them may be a judge of a court of record of Guam. The concurrence of two judges shall be necessary to any decision of the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

98 STAT. 1743

Infra.

"(c) The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

"(d) Upon the establishment of the appellate court provided for in section 22A(a) of this Act all appeals from the decisions of the local courts not previously taken must be taken to the appellate court. The establishment of that appellate court shall not result in the loss of jurisdiction of the appellate division of the district court over any appeal then pending in it. The rulings of the appellate division of the district court on such appeals may be reviewed in the United States Court of Appeals for the Ninth Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

Ante, p. 1742.

"SEC. 22D. Where appropriate, the provisions of part II of title 18 and of title 28, United States Code, and notwithstanding the provision in rule 54(a) Federal Rules of Criminal Procedure relating to the prosecution of criminal offenses on Guam by information, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the District Court of Guam and appeals therefrom; except that the terms, 'Attorney for the government' and 'United States attorney', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, including the Guam Territorial income tax, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein.".

Crimes and misdemeanors.
48 USC 1424-4.
18 USC 3001.
28 USC 501.
18 USC app.

18 USC app.

SEC. 802. Section 24 of the Organic Act of Guam, as amended (64 Stat. 390; 48 U.S.C. 1424b), is amended, by:

(a) substituting in the first paragraph of subsection (a) the words "for the term of ten years" for "for a term of eight years";

(b) substituting in the second paragraph of subsection (a) the words "a local court of record" for "the Island Court of Guam";

(c) inserting in the second paragraph of subsection (a) between the words "ninth circuit" and "or" the words "or a recalled senior judge of the District Court of Guam or of the District Court for the Northern Mariana Islands";

(d) substituting in subsection (b) the numbers "35" and "37" for "31" and "33", respectively; and

(e) deleting subsection (c).

Law enforcement.
48 USC 1424.

SEC. 803. Section 1 of the Act of August 27, 1954 (68 Stat. 882), is amended by repealing that portion which reads: "that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, and except further".

98 STAT. 1744

TITLE IX

NORTHERN MARIANA ISLANDS

SEC. 901. Section 1 of the Act of November 8, 1977 (91 Stat. 1265, 48 U.S.C. 1694) is amended by—

(a) substituting in subsection (b)(1) the words "for a term of ten years" for "for a term of eight years";

(b) inserting in subsection (b)(2) between the words "President" and "or", the words "or a recalled senior judge of the District Court of Guam or of the District Court of the Northern Mariana Islands"; and

Crimes and misdemeanors.
Courts, U.S.

48 USC 1681 note.
18 USC 3001; 28 USC 501.

(c) substituting the following for subsection (c): "Where appropriate, and except as otherwise provided in articles IV and V of the Covenant approved by the Act of March 24, 1976 (90 Stat. 263), the provisions of part II of title 18 and of titles 28, United States Code, the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28, United States Code, shall apply to the District Court for the Northern Mariana Islands and appeals therefrom; except that the terms 'Attorney for the government' and 'United States attorney', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the Attorney General of the Northern Mariana Islands or such other person or persons as may be authorized by the laws of the Northern Mariana Islands to act therein.".

Courts, U.S.

SEC. 902. Section 2(a) of the Act of November 8, 1977 (91 Stat. 1266; 48 U.S.C. 1694a(a)), is amended to read as follows:

"(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, United States Code, and that of a bankruptcy court of the United States.".

Courts, U.S.

SEC. 903. Section 3 of the Act of November 8, 1977 (91 Stat. 1266; 48 U.S.C. 1694b) is amended to read as follows:

"SEC. 3. (a) Prior to the establishment of an appellate court for the Northern Mariana Islands the district court shall have such appellate jurisdiction over the courts established by the Constitution or laws of the Northern Mariana Islands as the Constitution and laws of the Northern Mariana Islands provide, except that such Constitution and laws may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States

of America (90 Stat. 263) (hereinafter referred to as 'Covenant'), or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Northern Mariana Islands or of any orders or regulations issued or actions taken by the executive branch of the government of the Northern Mariana Islands with the Constitution, treaties, or laws of the United States, including the Covenant or with any authority exercised thereunder by an officer or agency of the United States. *Supra.*

"(b) Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1(b)(2) of this Act: *Provided,* That no more than one of them may be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure. 48 USC 1694.

"(c) The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.".

Sec. 904. Section 4 of the Act of November 8, 1977 (91 Stat. 1266; 48 U.S.C. 1694c) is amended by inserting the words, "including the Supreme Court of the United States," between the words "courts of the United States" and "and".

TITLE X

GENERAL PROVISIONS

Sec. 1001. Sections 335, 336 and 402(e) of the Act of November 6, 1978 (92 Stat. 2680, 2682) are repealed. Repeals. 48 USC 1424, 1612, 1615; 11 USC prec. 101 note.

Sec. 1002. (a) Any judge or former judge who is receiving, or will upon attaining the age of sixty-five years be entitled to receive, payments pursuant to section 373 of title 28, United States Code may elect to become a senior judge of the court on which he served while on active duty. Courts, U.S. 28 USC 373 note.

(b) The chief judge of a judicial circuit may recall any such senior judge of his circuit, with the judge's consent, to perform in the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands such judicial duties and for such periods of time as the chief judge may specify.

(c) Any act or failure to act by a senior judge performing judicial duties pursuant to this section shall have the same force and effect as if it were the act or failure to act of a judge on active duty; but such senior judge shall not be counted as a judge of the court on which he is serving for purposes of the number of judgeships authorized for that court.

(d) Any senior judge shall be paid, while performing duties pursuant to this section, the same compensation (in lieu of payments pursuant to section 373 of title 28, United States Code) and the same allowances for travel and other expenses as a judge in active service.

(e) Senior judges under subsection (a) of this section shall at all times be governed by the code of judicial conduct for the United

98 STAT. 1746

States judges, approved by the Judicial Conference of the United States.

Law enforcement.

(f) Any person who has elected to be a senior judge under subsection (a) of this section and who thereafter—

(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to subsection (b) of this section);

(2) engages in the practice of law; or

(3) materially violated the code of judicial conduct for the United States judges,

shall cease to be a senior judge and to be eligible for recall pursuant to subsection (b) of this section.

Law enforcement.
48 USC 1493.

Sec. 1003. The prosecution in a territory or Commonwealth is authorized—unless precluded by local law—to seek review or other suitable relief in the appropriate local or Federal appellate court, or, where applicable, in the Supreme Court of the United States from—

(a) a decision, judgment, or order of a trial court dismissing an indictment or information as to any one or more counts, except that no review shall lie where the constitutional prohibition against double jeopardy would further prosecution;

(b) a decision or order of a trial court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the prosecution certifies to the trial court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding; and

(c) an adverse decision, judgment, or order of an appellate court.

Courts, U.S.
48 USC 1424b note.
Ante, pp. 1740, 1743, 1744.

Sec. 1004. The provisions of sections 706(a), 802(a), and 901(a) of this Act extending the terms of district court judges of the Virgin Islands, Guam, and the Northern Mariana Islands, respectfully, from eight to ten years shall be applicable to the judges of those courts holding office on the effective date of this Act.

Effective date.
48 USC 1424 note.

Sec. 1005. Titles VII, VIII, IX, and X of this Act shall become effective on the ninetieth day following their enactment.

Approved October 5, 1984.

LEGISLATIVE HISTORY—H.R. 5561:

HOUSE REPORT No. 98-784 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 28, considered and passed House.
Aug. 10, considered and passed Senate, amended.
Sept. 14, House concurred in Senate amendment with amendments.
Sept. 21, Senate concurred in House amendments.

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98 STAT. 2213

Public Law 98-478
98th Congress

An Act

Oct. 16, 1984
[H.R. 2838]

Entitled the "Federal Timber Contract Payment Modification Act".

Federal Timber Contract Payment Modification Act.
16 USC 618 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Timber Contract Payment Modification Act".

Forests and forest products.
16 USC 618.

Sec. 2. (a)(1) Notwithstanding any other provisions of law, in order to retain jobs, to preserve free competition, to utilize the potential productive capacity of plants, to preserve small communities dependent on a single economic sector to assure an open and competitive market for future sales of Government timber, and to lessen the impact of unemployment, the Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to permit a requesting purchaser to return to the Government a volume of the purchaser's timber contracts as determined under paragraph (2) upon payment of a buy-out charge from such purchaser in an amount as determined under paragraph (3). The purchaser shall be released from further obligation to cut, remove, and pay for timber under such contract upon payment, or arrangement for payment as provided under paragraph (3)(E), of such buy-out charge and completion of any obligation required pursuant to subsection (4)(B). The Government does not hereby surrender any other claim against a purchaser which arose under a contract prior to effectuation of this release and not in connection with this release from obligation to cut, harvest and pay for timber.

Buy-out.

(2)(A) To qualify for buy-out under this section, a timber sales contract must have been bid prior to January 1, 1982, for an original contract period of 10 years or less, and be held as of June 1, 1984: *Provided*, That any such contract that was defaulted after January 1, 1981 may qualify for buy-out under this section so long as (i) settlement for damages has not been reached between the purchaser and the United States; and (ii) the purchaser's loss on all of its qualifying timber sales contracts, as determined in section 2(a)(3)(A) of this Act, is in excess of 50 per centum of the net book worth of the purchaser. A contract is qualified for buy-out notwithstanding the fact that it was reformed after October 1, 1983, pursuant to Bureau of Land Management Instructional Memorandum 83-743 or is included in a Forest Service multisale plan pursuant to the President's program of July 28, 1983.

Sawtimber.

(B) A purchaser holding more than twenty-seven million three hundred thousand board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in (A) shall be entitled to buy out up to 55 per centum of such timber volume up to a maximum of two hundred million board feet.

(C) A purchaser holding twenty-seven million three hundred thousand or less board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in (A) shall be entitled to buy out up to fifteen million board feet of such timber volume or one contract, whichever is greater in volume.

98 STAT. 2214

(D) So long as the volume limitation of two hundred million board feet is not exceeded, the percentage limitation of paragraph (B) or the volume limitation of paragraph (C) may be exceeded by a volume amount not to exceed the volume of the smallest volume contract bought out by the purchaser if the purchaser could not otherwise attain his percentage or volume entitlement.

Resale by U.S.

(E) Timber returned to the Government pursuant to this subsection shall be available for resale by the Government upon payment, or arrangement for payment, of the buy-out charge and completion of obligations, if any, under paragraph 4(B).

Buy-out costs.

(3)(A) Sums collected by the appropriate Secretary in connection with the buy-out of contracts pursuant to this subsection shall be deposited in and paid from the Treasury in the same manner as moneys received from timber sales from such lands and shall be determined as follows: The purchaser's loss on any qualifying timber sales contracts shall be determined by the Forest Service or the Bureau of Land Management by subtracting the current delivered log value (as determined by such agency) from the delivered log cost based on the current contract return (as determined by such agency) of any such contracts. If such loss is—

(i) in excess of 100 per centum of the net book worth of the purchaser, the buy-out cost shall be $10 per one thousand board feet of currently held volume bought out;

(ii) in excess of 50 per centum up to 100 per centum of the net book worth of the purchaser, the buy-out cost shall be 10 per centum of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out; or

(iii) up to 50 per centum or less of the net book worth of the purchaser, the buy-out cost shall be 15 per centum for the purchaser's first one hundred twenty-five million board feet, 20 per centum for additional board feet above one hundred twenty-five million up to one hundred fifty million, 25 per centum for additional board feet above one hundred fifty million up to one hundred seventy-five million, and 30 per centum for additional board feet above one hundred seventy-five million up to two hundred million, of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out.

(B) For purposes of this paragraph, the term "net book worth" does not include the value of any outstanding uncut Federal timber sales contracts.

(C) Net book worth shall be, subject to agency verification, as determined by an independent certified public accountant in accordance with generally accepted accounting standards for the timber industry.

(D) A purchaser may elect to pay the buy-out cost imposed by paragraph (iii) in lieu of utilizing loss and net book worth determinations.

Loans.

(E) Where a purchaser is not able to obtain sufficient credit elsewhere to finance the buy-out charge at reasonable rates and terms, purchaser may, upon payment of 5 per centum of the buy-out charge, pay the remainder of the buy-out charge in equal quarterly payments over a period not to exceed 5 years at an interest rate adjusted with each payment equal to the average market yield of outstanding Treasury obligations with remaining years to maturity of five years payment must be secured by bond, deposited securities or other forms of security acceptable to the appropriate Secretary in an amount sufficient to cover the entire buy-out payment.

98 STAT. 2215

(F) For purposes of this paragraph, the term "contract overbid" is the difference between the advertised contract rate and the rate the purchaser bid.

(4)(A) Contracts returned pursuant to this subsection under which no harvest has begun shall be returned in full.

(B) Contracts returned to the appropriate Secretary pursuant to this subsection under which harvest has begun, shall be returned conditionally and shall not be considered as part of the outstanding volume of timber under contract for the purposes of this Act. The return shall become final after the purchaser has completed stages of contractual obligations for the units on which the harvest has begun, including work on roads, to logical stopping points as determined by the Secretary after consultation with the purchaser. All remaining unharvested units must be returned.

(C) The appropriate Secretary may reject return of a contract on which harvest has begun if he determines, in his discretion, that the remaining unharvested portion is substantially unrepresentative of the original sale as a whole in terms of species, logging methods, or other appropriate criteria, and that accepting the return of such contract would seriously disadvantage the Government.

(5)(A) Timber from returned or defaulted contracts shall be offered for resale in an orderly fashion as part of, and not in addition to, the normal congressionally authorized timber sales program, and in a manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from returned or defaulted contracts shall be given preference for resale in the Forest Service timber sales programs.

Forest Service region 6.

(B) Timber sales in Forest Service region 6 shall not exceed four billion three hundred million board feet of net merchantable sawtimber in fiscal year 1984.

(C) Beginning in fiscal year 1985 and continuing through fiscal year 1991 or the fiscal year in which timber contract extensions in region 6 granted under the President's program of July 28, 1983 (as constituted at the date of enactment of this Act), are completed, whichever is later, the Secretary of Agriculture shall set, and periodically adjust as necessary, the maximum annual timber sale volume in region 6. Such maximum sale volume shall be set so as to achieve a volume of region 6 net merchantable sawtimber under contract at the end of each fiscal year which does not exceed twelve billion three hundred million board feet: *Provided, however,* That such maximum annual sale volume shall not exceed five billion two hundred million board feet of net merchantable sawtimber. The sale of timber within region 6 shall be made in such a manner as not to result in discriminatory treatment as between different forests in the region.

Regulations.
Federal Register, publication.

(6)(A) The Secretary of the Interior and the Secretary of Agriculture shall publish final rules for the implementation of this subsection in the Federal Register within ninety days after the date of enactment of this Act.

(B) Such final rules shall require purchasers to submit buy-out requests to the appropriate Secretary within ninety days after the publication of such rules.

(7)(A) For purposes only of determining a purchaser's buy-out limitation under subsection (2) and net worth in connection with buy-out cost under subsection (3), concerns which are affiliates as defined under paragraph (B) of this subsection shall be treated as a single entity.

98 STAT. 2216

(B) Definition of affiliates: Concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. In determining whether or not affiliation exists, consideration shall be given to all appropriate factors, including, but not limited to, common ownership, common management, and contractual relationships.

(C) Definition of purchaser: For the purposes of this Act, a purchaser is the holder of a contract to purchase timber from the Secretary of Agriculture or the Secretary of the Interior.

(b)(1) Timber contracts bid prior to January 1, 1982, not bought out pursuant to subsection (a) and included in the President's program of July 28, 1983, shall not be subject to any further extension of time for performance except as permitted under the President's program of July 28, 1983, as implemented by the Secretary of Agriculture and the Secretary of the Interior, providing for the extension of certain timber sale contracts and requiring the phased harvesting of such extended contracts, which program is hereby ratified except as modified by paragraph (2).

(2) Notwithstanding any other provision of law, timber contracts extended pursuant to the President's program of July 28, 1983, as implemented by the Secretary of Agriculture shall not be subject to inclusion of additional provisions for calculating damages for default.

Report.

(c) The Secretary of Agriculture and the Secretary of the Interior shall monitor bidding patterns on timber sale contracts and take action to discourage bidding at such a rate as would indicate that the bidder, if awarded the contract, would be unable to perform the obligations as required, or that the bid is otherwise for the purpose of speculation. Each Secretary shall include in the annual report to Congress information concerning actions taken under this paragraph.

Effective date.

(d) Effective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down-payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract.

National Forest System.
Boy Scouts of America.
16 USC 539f.

SEC. 3. (a) Notwithstanding any other provision of law, the Secretary of Agriculture is directed to waive annually without charge all or a portion of payment or rental fees required under terms of a permit for use of certain lands of the National Forest System as organization camps by local units of the Boy Scouts of America or such other nonprofit organization when such local units of the Boy Scouts of America or such nonprofit organization are willing to perform services, as the Secretary prescribes and determines will yield a valuable benefit to the public and to the program of the Secretary of such lands. If the Secretary determines that a local unit of the Boy Scouts of America or such other nonprofit organization has not fully performed such services, such organization shall not be entitled in the subsequent year to waiver under the provisions of this section.

26 USC 501.

98 STAT. 2217

(b) The term "other nonprofit organization" shall mean (1) a nonprofit organization holding an exemption under section 501(c) of the Internal Revenue Code, as amended; and (2) a nonprofit association or nonprofit corporation, which is not controlled or owned by profitmaking corporations or business enterprises, and which is engaged in public or semipublic activity to further public health, safety, or welfare.

Alaska.
16 USC 619.

SEC. 4. (a) Emergency stumpage rate redetermination shall be made upon the written application of the purchaser of National Forest timber in Alaska, bid after January 1, 1974, and rates established as a result thereof shall be effective for timber scaled during a period between January 1, 1981, and five years from the effective date of this legislation.

(b) In making the emergency rate redeterminations the Secretary may modify existing contract terms, including the amount of the bid premium, in order to provide rates which will permit the holders of contracts bid after January 1, 1974, to be competitive with other purchasers of National Forest timber.

(c) The provisions of this section shall not apply to contracts held by the holders of 50-year timber sale contracts in Alaska.

Approved October 16, 1984.

LEGISLATIVE HISTORY—H.R. 2838:

HOUSE REPORTS: No. 98-255, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Agriculture).
SENATE REPORT No. 98-596 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 16, considered and passed House.
Vol. 130 (1984): Sept. 26, considered and passed Senate, amended.
Oct. 1, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct. 16, Presidential statement.

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98 STAT. 2258

Public Law 98-483
98th Congress

An Act

Oct. 17, 1984
[H.R. 2889]

To amend the National Historic Preservation Act, and for other purposes.

Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking out the second and third sentences and inserting in lieu thereof "To carry out the provisions of this title, there is authorized to be appropriated not more than $2,500,000 for each of the fiscal years 1985 through 1989".

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 2889:

HOUSE REPORT No. 98-761 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-623 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 4, considered and passed House.
Oct. 3, considered and passed Senate, amended.
Oct 4, House concurred in Senate amendment.

Public Law 98-489
98th Congress

98 STAT. 2267

An Act

To provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas.

Oct. 17, 1984
[H.R. 5631]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended by inserting after the first sentence the following new sentence: "The Secretary may also acquire, by any of the above methods, approximately 15 acres of land outside of the boundaries of the preserve in the vicinity of the intersection of United States Highway 69 and State Farm-Market Road 420, in Hardin County, Texas, for purposes of a visitor contact and administrative site.".

Appropriation authorization.
16 USC 698e.

(b) Section 6 of such Act is amended by inserting at the end thereof the following new sentence: "Effective October 1, 1984, there is authorized to be appropriated such sums as may be necessary for the acquisition of the visitor contact and administrative site referred to in subsection (c) of the first section of this Act.".

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 5631:

HOUSE REPORT No. 98-957 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Aug. 6, considered and passed House.
Oct. 3, considered and passed Senate.

Public Law 98-494
98th Congress

98 STAT. 2274

An Act

To amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, and for other purposes.

Oct. 19, 1984
[S. 416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1271-1287), is further amended as follows:

16 USC 1274.

In section 3(a) after the last paragraph insert the following new paragraphs:

"(52) Illinois, Oregon: The segment from the boundary of the Siskiyou National Forest downstream to its confluence with the Rogue River as generally depicted on a map entitled 'Illinois River Study' and is also part of a report entitled 'A Proposal: Illinois Wild and Scenic River'; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests in lands, and such sums as necessary for development.

Appropriation authorization.

"(53) Owyhee, Oregon: The South Fork from the Idaho-Oregon State line downstream to Three Forks; the Owyhee River from Three Forks downstream to China Gulch; and the Owyhee River downstream from Crooked Creek to the Owyhee Reservoir as generally depicted on a map entitled 'Owyhee, Oregon' dated April 1984; all three segments to be administered as a wild river by the Secretary of the Interior. After consultation with State and local governments and the interested public, the Secretary shall take such appropriate action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this Act with respect to the river designated by this paragraph, effective October 1, 1984, there are authorized to be appropriated such sums as necessary for the acquisition of lands or interests and such sums as necessary for development.".

Appropriation authorization.

16 USC 1276.

SEC. 2. Section 5(a) of the Wild and Scenic Rivers Act is amended by adding the following new paragraph at the end thereof:

16 USC 1278.

98 STAT. 2275

16 USC 1278.

Conservation.

"(90) The North Umpqua, Oregon: The segment from the Soda Springs Powerhouse to the confluence of Rock Creek. The provisions of section 7(a) shall apply to tributary Steamboat Creek in the same manner as such provisions apply to the rivers referred to in such section 7(a). The Secretary of Agriculture shall, in the Umpqua National Forest plan, provide that management practices for Steamboat Creek and its immediate environment conserve, protect, and enhance the anadromous fish habitat and population.".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 416:

HOUSE REPORT No. 98-1068 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-460 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  May 24, considered and passed Senate.
  Sept. 24, considered and passed House, amended.
  Oct. 3, Senate concurred in House amendments.

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98 STAT. 2317

Public Law 98-500
98th Congress

An Act

Oct. 19, 1984
[S. 1151]

To compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime.

Old Age Assistance Claims Settlement Act.
Indians.
25 USC 2301 note.
25 USC 2301.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Old Age Assistance Claims Settlement Act".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "unauthorized disbursement" means a disbursement made from the trust estate of a deceased Indian which was made by the Secretary to a State or a political subdivision of a State for the purpose of reimbursing the State or political subdivision for any old age assistance made to the deceased Indian before death in violation of Federal laws governing Indian trust property; and

(3) "trust estate" means that portion of the estate that consists of real or personal property, title to which is held by the United States for the benefit of the Indian or which may not be alienated without the consent of the Secretary.

PAYMENT OF CLAIMS

SEC. 3. (a) The Secretary is authorized and directed to determine the portion of any unauthorized disbursement to which any individual under this Act is entitled, and to pay to such individual the amount which the Secretary determines such individual to be entitled. Any payment under this provision shall include interest at a rate of 5 per centum per annum, simple interest, from the date on which such disbursement was made from the trust estate of the deceased Indian. 25 USC 2302.

(b) No payment shall be made under subsection (a) with respect to any unauthorized disbursement from the trust estate of a deceased Indian if the total amount of unauthorized disbursement from such trust estate was less than $50.

NOTICE

SEC. 4. (a) Within one hundred and eighty days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of all trust estates from which unauthorized disbursements are known to have been made, including the amount of the unauthorized disbursement made from each such trust estate. Federal Register, publication. 25 USC 2303.

(b) Within thirty days after the publication of this list, the Secretary shall provide a copy of this Act and a copy of the Federal Register containing this list, or such parts as may be pertinent, to each Indian tribe, band, or group the rights of whose members may be affected by this Act.

(c) Any tribe, band or group of Indians, or any individual Indian shall have one hundred and eighty days after the date of the publication in the Federal Register of the list provided for in subsection (b) of this section to submit to the Secretary any additional unauthorized disbursement claims not contained on the list.

(d) Not more than thirty days after the expiration of the one hundred and eighty day period provided for in subsection (c) of this section, the Secretary shall publish in the Federal Register a list containing the additional unauthorized disbursement claims submitted during such period. Federal Register, publication.

IDENTIFICATION OF RIGHT TO PAYMENT AND EXPEDITED CLAIM PAYMENT

SEC. 5. (a) The Secretary shall conduct a search of the records of the Department of the Interior to identify individuals who are entitled to any portion of the unauthorized disbursements which were made and to ascertain the amount of such unauthorized disbursements to which each of such individuals is entitled. 25 USC 2304.

(b) In any case in which the Secretary ascertains the name and location of any individual who is entitled to any portion of an unauthorized disbursement and determines the amount of such unauthorized disbursement to which such individual is entitled, the Secretary shall pay such amount, including interest thereon as provided in section 3, to such individual immediately without requiring such individual to file a formal claim for payment.

(c) The Secretary shall use the best available means of notifying each individual who is identified in the search conducted under subsection (a) of the right of such individual to receive payment under this Act. The means of notification available to the Secretary shall include—

(1) notice provided directly to such individual;

(2) notification of the next of kin of such individual;

(3) notification of the chairman or chief executive officer of the tribe of which such individual is a member or of which the deceased Indian was a member; and

(4) publication of notice in newspapers of general circulation in the appropriate area.

DISCHARGE AND BARRING OF CLAIMS

25 USC 2305.

SEC. 6. (a) The payment and acceptance of any claim, after its determination in accordance with this Act, shall be a full discharge to the United States or any State or political subdivision thereof of all claims and demands touching any of the matters involved in the controversy.

(b) The provisions of this Act shall not affect claims arising from any unauthorized disbursement which were filed in any court of competent jurisdiction prior to the date of enactment of this Act.

AUTHORIZATIONS

Appropriation authorization.
25 USC 2306.

SEC. 7. (a) There are authorized to be appropriated for the purpose of carrying out the provisions of this Act $2,500,000 for each of the fiscal years 1986 and 1987, and such sums as may be necessary for any subsequent fiscal year. The amounts appropriated under the authority of this subsection shall remain available without fiscal year limitation for purposes of carrying out the provisions of this Act until all claims filed under this Act have been resolved.

(b) Funds necessary to pay the expenses of administering this Act shall be appropriated and expended under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act.

TREATMENT OF FUNDS

25 USC 2307.
42 USC 1305.

SEC. 8. Funds distributed under the provisions of this Act shall not be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted program.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1151:

SENATE REPORT No. 98-605 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Sept. 28, considered and passed Senate.
  Oct. 4, considered and passed House.

Public Law 98-503
98th Congress

98 STAT. 2335

An Act

To amend the Act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, Alaska.

Oct. 19, 1984
[S. 1688]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes", approved October 8, 1972 (86 Stat. 904), as amended by section 101, paragraph (23), of the Act of November 10, 1978 (92 Stat. 3472) is further amended by striking out "$1,571,000" and inserting in lieu thereof "such sums as may be necessary, but not to exceed $4,000,000.".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1688:

SENATE REPORT No. 98-550 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Oct. 3, considered and passed Senate.
  Oct. 5, considered and passed House.

Public Law 98-505
98th Congress

98 STAT. 2337

An Act

To add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore.

Oct. 19, 1984
[S. 1868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes", approved October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x-14), as amended, is further amended by striking out "$82,149,558" and inserting in lieu thereof "$84,149,558".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1868:

HOUSE REPORT No. 98-1032 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-419 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Aug. 9, considered and passed Senate.
  Oct. 2, considered and passed House.

98 STAT. 2433

Public Law 98-523
98th Congress

An Act

Oct. 19, 1984
[H.R. 4025]

To authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes.

Public buildings and grounds.
Real property.
20 USC 71 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at such time as it is declared to be excess property pursuant to section 2(d) of this Act, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") is authorized to transfer to the Smithsonian Institution, in accordance with section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), without reimbursement, and for use by the Smithsonian Institution for certain art galleries and related functions, the General Post Office Building with any attached underground structures and the site of such building, located between Seventh and Eighth Streets Northwest and E and F Streets Northwest, in the District of Columbia.

20 USC 71 note.

SEC. 2. (a) The Administrator, at the earliest practicable date, shall relocate all operations of the United States International Trade Commission (hereinafter in this Act referred to as the "Commission") to a building in downtown Washington, District of Columbia. The Administrator's determination as to such relocation shall be based on studies and investigations in which the Chairman of the Commission shall have full opportunity to consult and cooperate with the Administrator. Such consultation shall include opportunity for the Chairman to participate jointly with the Administrator in surveys of available buildings and to submit views and recommendations to the Administrator with respect to space suitable for the Commission's operations. The Administrator shall advise the Chairman in writing of the building to which the operations of the Commission are to be relocated. The Administrator's determination of such relocation shall not take effect for a period of at least sixty days after the date such determination is made and the Chairman is advised of the building to which the operations of the Commission are to be relocated. In the event the Chairman disagrees with the Administrator's determination of such relocation, the Chairman, within thirty days after the Chairman is advised of the building to which the operations of the Commission are to be relocated, may make a written request for review of such determination to the Administrator, and the Administrator shall conduct a formal review of such determination.

Study.

Effective date.

Study.

Report.

(b) The Administrator and the Chairman shall each report separately in writing to the Committees on Environment and Public Works, Finance, Rules and Administration, and Governmental Affairs of the Senate and to the Committees on Public Works and Transportation, Ways and Means, House Administration, and Government Operations of the House of Representatives not later than sixty days after the date of enactment of this Act and every thirty days thereafter on the status of the relocation required by this section.

98 STAT. 2434

Safety.
Historic preservation.

(c) During the period in which the Commission and the United States Postal Service continue to occupy the General Post Office Building referred to in the first section of this Act, the Administrator shall maintain such building in order to prevent its deterioration and to assure that conditions therein are safe and the building is presentable and suitable to the normal operations of the Commission and such Service.

(d) Upon accomplishment of the relocation required by subsection (a) of this section, the Administrator shall declare the property referred to in the first section of this Act to be excess property as defined in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

Appropriation authorization.
20 USC 71 note.
Contracts with U.S.

SEC. 3. There is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $40,000,000 for fiscal years beginning after September 30, 1984, for renovation and repair, after the transfer made under the first section of this Act, of the General Post Office Building referred to in such section. Any portion of the sums appropriated under this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such renovation and repair. No contract for such renovation or repair shall be advertised or entered into before the end of the period of thirty days of continuous session of Congress beginning on the date the Smithsonian Institution submits to the Committees on Public Works and Transportation and House Administration of the House of Representatives and the Committees on Environment and Public Works and Rules and Administration of the Senate the plans and advanced engineering and design for such renovation and repair. For purposes of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 4025:

HOUSE REPORT No. 98-778, Pt. 1 (Comm. on Public Works and Transportation).
SENATE REPORT No. 98-651 (Comm. on Environment and Public Works and Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 18, considered and passed House.
Oct. 5, considered and passed Senate.

Public Law 98-530
98th Congress

98 STAT. 2698

An Act

Relating to the water rights of the Ak-Chin Indian Community.

Oct. 19, 1984
[H.R. 6206]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress hereby finds and declares that—

(1) the Department of the Interior and the Ak-Chin Indian Community executed on September 23, 1983, an agreement entitled "Agreement in Principle for Revised Ak-Chin Water Settlement", wherein the parties agreed to revisions of the Act of July 28, 1978 (Public Law 95-328; 92 Stat. 409);

(2) the main purpose of the Agreement in Principle is to accomplish a prompt and economical fulfillment of the intent of that Act;

92 Stat. 411.

(3) section 3 of that Act requires that the Secretary of the Interior (hereinafter referred to as the "Secretary") as soon as possible but not later than twenty-five years after the date of the enactment of that Act, deliver to the Ak-Chin Indian Reservation a permanent supply of water to fulfill the Ak-Chin Indian Community's entitlement to eighty-five thousand acre-feet of water;

92 Stat. 409.

(4) section 2 of that Act requires that the Secretary deliver an interim supply of water until the permanent supply is acquired and delivered to the Reservation;

(5) the Secretary proposed to the Community, subject to the approval of Congress, to deliver the permanent supply not later than January 1, 1988, except that the Community, as a consideration, agree to certain modifications in the quantities of water to be delivered as the permanent supply and to release him from his obligation to deliver an interim supply;

(6) in order to establish January 1, 1988, as the date certain for the delivery of a permanent supply, the Community agreed to—

(A) the reduced deliveries of the permanent supply under certain conditions;

(B) the Secretary's proposals regarding the interim supply; and

(C) certain other proposals of the Secretary;

and executed the Agreement in Principle; and

(7) the provisions contained in this Act conform to the purposes of that Agreement and the consideration embodied in it.

Central Arizona Project.

SEC. 2. (a) As soon as possible but not later than January 1, 1988, the Secretary shall deliver annually a permanent water supply from the main project works of the Central Arizona Project to the southeast corner of the Ak-Chin Indian Reservation of not less than seventy-five thousand acre-feet of surface water suitable for agricultural use except as otherwise provided under subsections (b) and (c).

(b) In any year in which sufficient surface water is available, the Secretary shall deliver such additional quantity of water as is requested by the Community not to exceed ten thousand acre-feet. The Secretary shall be required to carry out the obligation referred to in this subsection only if he determines that there is sufficient capacity available in the main project works of the Central Arizona Project to deliver such additional quantity.

98 STAT. 2699

(c) In time of shortage, if the aggregate supply of water referred to in subsection (f) is not sufficient to deliver seventy-five thousand acre-feet, the Secretary may deliver a lesser quantity but in no event less than seventy-two thousand acre-feet. For the purposes of this Act, the term "time of shortage" means a calendar year for which the Secretary determines that a shortage exists pursuant to section 301(b) of the Colorado River Basin Project Act of September 30, 1968 (Public Law 90-537), such that there is not sufficient Central Arizona Project water in that year to supply up to a limit of three hundred nine thousand eight hundred and twenty-eight acre-feet of water for Indian uses, and up to a limit of five hundred ten thousand acre-feet of water for non-Indian municipal and industrial uses.

43 USC 1501.

(d) The Secretary shall be deemed to have satisfied his obligation to deliver water under this section only if such water is delivered at flow rates which meet the seasonal requirements for agricultural use on the Reservation. Such rates shall not exceed three hundred cubic feet per second.

(e) To meet the obligations of the Secretary to deliver water under this Act, the Secretary shall design, construct, operate, maintain, and replace, at no cost to the Community, such facilities, including any aqueduct and appurtenant pumping facilities, powerplants and electric power transmission facilities, which may be necessary.

(f) The water supply referred to in subsections (a) and (c) shall consist of the aggregate of the following—

(1) First, a permanent supply of no more or less than fifty thousand acre-feet of surface water per annum to be diverted from the Colorado River of the three hundred thousand acre-feet of water heretofore authorized by the Act of July 30, 1947 (61 Stat. 628), for beneficial consumptive use on lands of the Yuma Mesa Division of the Gila Project. Water referred to in this paragraph and in subsection (g)(1) shall have equal priority. Furthermore, these provisions shall not affect the relative priorities among themselves of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project as fully set out in section 301(b) of Public Law 90-537.

43 USC 1501.

(2) Such Central Arizona Project water allocated to the Community and referred to in the "Notice of Final Water Allocations to Indians and non-Indian Water Users and Related Decisions" (48 Fed. Reg. 12446, March 24, 1983) as is necessary to fulfill the Secretary's water delivery obligations. Delivery of such Central Arizona Project water shall be as provided in the December 11, 1980, Central Arizona Project water delivery contract between the United States and the Ak-Chin Indian Community, except as otherwise provided by this Act and any contract executed pursuant to this Act.

Notwithstanding any other provision of this Act, nothing in paragraph (1) of this subsection shall enlarge or diminish the authority of the Secretary under existing law. Nothing in section 4 or any other provision of this Act shall reduce the Secretary's obligation to deliver to the Ak-Chin Reservation a permanent supply of fifty thousand acre-feet of surface water per annum as well as the water referred to in paragraph (2) of this subsection.

98 STAT. 2700

Gila Project.

(g)(1) The limitation in the first section of the Act of July 30, 1947 (61 Stat. 628) on the annual beneficial consumptive use in the Yuma Mesa Division of the Gila Project of no more than three hundred thousand acre-feet of Colorado River water shall be deemed to be a limitation of no more than two hundred and fifty thousand acre-feet, effective as provided in section 4 of this Act.

(2) Such two hundred and fifty thousand acre-feet of water shall not be used to irrigate more than thirty-seven thousand one hundred and eighty-seven acres of land in the Yuma Mesa Division, specifically: six thousand five hundred and eighty-seven acres in the North Gila Valley Irrigation District; ten thousand six hundred acres in the Yuma Irrigation District; and twenty thousand acres in the Yuma Mesa Irrigation and Drainage District. Additional land in the Yuma Mesa Irrigation and Drainage District may be irrigated if there is a corresponding reduction in the irrigated acreage in the other districts so that at no time are more than thirty-seven thousand one hundred and eighty-seven acres being irrigated in the Yuma Mesa Division.

(3) Pursuant to appropriations, the Secretary shall pay—

(A) $5,400,000 to the Yuma Mesa Irrigation and Drainage District for the purpose of replacement, rehabilitation, and repair of the water delivery system within the Yuma Mesa Irrigation and Drainage District, including water pumping facilities; and

(B) $2,000,000 to the Yuma Mesa Irrigation and Drainage District, $1,000,000 to the Yuma Irrigation District, and $1,000,000 to the North Gila Valley Irrigation District, for the purpose of on-farm and district water conservation and drainage measures.

Such funds shall not be used as non-Federal contributions in connection with any other Federal programs requiring cost-sharing. None of the payments to be made by the Secretary to said districts under this subsection shall be treated as supplemental or additional benefits or reimbursable to the United States.

Contracts with U.S.

(4) The Secretary is authorized and directed to amend the repayment contracts, as amended, between the United States and said districts to conform to the provisions of this Act and to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this Act are discharged. The Secretary is authorized at the request of the districts or any one of them to issue a certificate acknowledging that the lands in the requesting district are free of the ownership and full cost pricing provisions of Federal reclamation law. Such certificate shall be in a form suitable for entry in the land records of Yuma County, Arizona. Amendments to the districts' contracts relating to items other than those covered by this Act shall not be made without the consent of the irrigation districts.

(5) The Secretary shall be required to carry out his obligations in paragraphs (3) and (4) only if the Yuma Mesa Irrigation and Drainage District, the North Gila Valley Irrigation District, and the Yuma Irrigation District execute amendatory contracts necessary to carry out the provisions of this subsection, including specifically a waiver and release of any and all claims to the annual beneficial consumptive use of Colorado River water in excess of two hundred fifty thousand acre-feet as provided in paragraph (1) of this subsection.

98 STAT. 2701

(h)(1) If the facilities required to deliver water to the Ak-Chin Reservation as provided in this section are not completed by January 1, 1988, the Secretary shall pay damages measured by the replacement cost of water not delivered in that calendar year up to a limit of thirty-five thousand acre-feet. In addition and to mitigate the effects occasioned by the failure to deliver said water, the Secretary shall pay all operation, maintenance and replacement costs of on-reservation wells to produce up to forty thousand acre-feet of water in that year for use by the Community.

(2) Commencing January 1, 1989, the Secretary shall pay damages measured by the replacement cost of water not delivered under subsection (a) or (c) as appropriate, up to a limit of seventy-five thousand or seventy-two thousand acre-feet of water, irrespective of whether the facilities to deliver water to the Ak-Chin Reservation have been completed.

(i) In any year in which the Ak-Chin Indian Community requests additional water under subsection (b) and such water and associated canal capacity are available, if the Secretary fails to deliver that quantity of additional water, in addition to any damages which he is required to pay under subsection (h), he shall pay damages in an amount measured by the agricultural water service operation, maintenance, and replacement costs for the Central Arizona Project in effect during that year, plus 20 per centum, of such additional quantity of water as is not delivered.

(j) The Ak-Chin Indian Community shall have the right to devote the permanent water supply provided for by this Act to any use, including but not limited to agricultural, municipal, industrial, commercial, mining or recreational use.

(k) The water referred to in subsection (f)(1) shall be for the exclusive use and benefit of the Ak-Chin Indian Community, except that whenever the aggregate water supply referred to in subsection (f) exceeds the quantity necessary to meet the obligations of the Secretary under this Act, the Secretary shall allocate on an interim basis to the Central Arizona Project any of the water referred to in subsection (f) which is not required for delivery to the Ak-Chin Indian Reservation under this Act.

92 Stat. 409.

SEC. 3. (a) The obligation of the Secretary to acquire and deliver to the Community an interim water supply from 1984 through 1987 under section 2 of the Act of July 28, 1978 (Public Law 95-328) shall be deemed to be fully discharged once—

(1) within sixty days of enactment of appropriations, the Secretary pays to the Community $1,400,000 in a lump sum grant for economic development in fiscal year 1986;

Ante, p. 1369.

(2) the Secretary of the Treasury, within thirty days after the date of enactment of this Act, has paid to the Community $15,000,000 for general community purposes as provided in Public Law 98-396;

(3) within sixty days after the date of enactment of this Act the Secretary has provided to the Community grants for economic development purposes of $2,000,000 from funds provided in Public Law 98-396 for the permanent water supply; and

(4) the Secretary has amended those repayment contracts between the United States and the Community to provide that all repayment obligations owing to the United States are discharged.

98 STAT. 2702

The Secretary is hereby authorized and directed to take such actions needed to amend the contracts referred to in paragraph (4).

(b) To carry out the purposes of this section the Ak-Chin Indian Community shall have the complete discretion to use and expend the funds referred to in this section.

Sec. 4. The provisions of sections 2 (f)(1) and (g) of this Act shall not take effect until—

(1) the amendatory contracts authorized by section 2(g) of this Act have been duly ratified and approved by each of the districts and executed by the United States; and

(2) the funds authorized to be paid to the districts by section 2(g)(3) of this Act have been appropriated and transferred to the districts.

92 Stat. 411.

Sec. 5. (a) The obligations of the Secretary under section 3 of the Act of July 28, 1978 (92 Stat. 409; Public Law 95-328), shall terminate upon the enactment of this Act. If the Secretary fails to acquire the water supply referred to in section 2(f)(1) of this Act by January 1, 1988, the Secretary shall be obligated—

(1) to deliver annually to the southeast corner of the Ak-Chin Indian Reservation eighty-five thousand acre-feet of water suitable for irrigation beginning January 1, 1988; and

(2) to provide as soon as possible, but not later than January 1, 2003, for the permanent delivery of such water.

(b) Failure to deliver water as specified in this section shall render the United States liable for damages measured by the replacement cost of water not delivered.

Management plan.

Sec. 6. The Secretary shall establish a water management plan for the Ak-Chin Indian Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

Appropriation authorization.

Sec. 7. (a) There is hereby authorized to be appropriated the sum of $1,000,000 for payment to the fund referred to in subsection (b). Subject to appropriations, the Secretary shall pay a sum of $1,000,000 to such fund.

(b) No portion of the sum referred to in subsection (a) shall be paid unless—

(1) the Central Arizona Water Conservation District establishes a fund to be administered by the District for voluntary acquisition or conservation of water from sources within the State of Arizona for use in central Arizona in years when water supplies are reduced; and

(2) the Central Arizona Water Conservation District has contributed the sum of not less than $1,000,000 to such fund: *Provided*, That if the contribution of not less than $1,000,000 by the District to such fund has not been fully paid as provided in this section within two years of the date of enactment of this Act, the authorization for appropriation and payment of the sum referred to in subsection (a) shall terminate.

Severability.

(c) If the provisions of this section are for any reason not implemented as herein provided, the other sections of this Act shall remain unaffected thereby.

Sec. 8. Nothing in this Act shall be construed to enlarge or diminish the authority of the Secretary with regard to the Colorado River.

Sec. 9. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provi- 98 STAT. 2703
sion of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1985.

Sec. 10. (a) Section 311 of the Southern Arizona Water Rights Settlement Act of 1982 (96 Stat. 1283) is amended to read as follows:

"Sec. 311. The provisions of section 2415 of title 28, United States Code, shall apply to any action relating to water rights of the Papago Indian Tribe or of any member of such Tribe which is brought—

"(1) by the United States for, or on behalf of, such Tribe or member of such Tribe, or

"(2) by such Tribe.".

(b) The amendment made by this section shall not apply with respect to any action filed prior to the date of enactment of this Act.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 6206:

HOUSE REPORT No. 98-1026 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 17, considered and passed House.
Sept. 25, considered and passed Senate, amended.
Oct. 2, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
Oct 19, Presidential statement.

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98 STAT. 2721

Public Law 98-541
98th Congress

An Act

Oct. 24, 1984
[H.R. 1438]

To provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.
Fish and fishing.
Wildlife.

FINDINGS

SECTION 1. The Congress finds that—

(1) the construction of the Trinity River division of the Central Valley project in California, authorized by the Act of August 12, 1955 (69 Stat. 719), has substantially reduced the streamflow in the Trinity River Basin thereby contributing to damage to pools, spawning gravels, and rearing areas and to a drastic reduction in the anadromous fish populations and a decline in the scenic and recreational qualities of such river system;

(2) the loss of land areas inundated by two reservoirs constructed in connection with such project has contributed to reductions in the populations of deer and other wildlife historically found in the Trinity River Basin;

(3) the Act referred to in paragraph (1) of this section directed the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") to take appropriate actions to ensure the preservation and propagation of such fish and wildlife and additional authority was conferred on the Secretary under the Act approved September 4, 1980 (94 Stat. 1062), to take certain actions to mitigate the impact on fish and wildlife of the construction and operation of the Trinity River division;

(4) activities other than those related to the project including, but not limited to, inadequate erosion control and fishery harvest management practices, have also had significant adverse effects on fish and wildlife populations in the Trinity River Basin and are of such a nature that the cause of any detrimental impact on such populations cannot be attributed solely to such activities or to the project;

(5) a fish and wildlife management program has been developed by an existing interagency advisory group called the Trinity River Basin Fish and Wildlife Task Force; and

(6) the Secretary requires additional authority to implement a basin-wide fish and wildlife management program in order to achieve the long-term goal of restoring fish and wildlife populations in the Trinity River Basin to a level approximating that which existed immediately before the start of the construction of the Trinity River division.

98 STAT. 2722

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT PROGRAM

SEC. 2. (a) Subject to subsection (b), the Secretary shall formulate and implement a fish and wildlife management program for the Trinity River Basin designed to restore the fish and wildlife populations in such basin to the levels approximating those which existed immediately before the start of the construction referred to in section 1(1) and to maintain such levels. The program shall include the following activities:

(1) The design, construction, operation, and maintenance of facilities to—

(A) rehabilitate fish habitats in the Trinity River between Lewiston Dam and Weitchpec;

(B) rehabilitate fish habitats in tributaries of such river below Lewiston Dam and in the south fork of such river; and

(C) modernize and otherwise increase the effectiveness of the Trinity River Fish Hatchery.

(2) The establishment of a procedure to monitor (A) the fish and wildlife stock on a continuing basis, and (B) the effectiveness of the rehabilitation work.

(3) Such other activities as the Secretary determines to be necessary to achieve the long-term goal of the program.

(b)(1) The Secretary shall use the program described in section 1(5) of this Act as a basis for the management program to be formulated under subsection (a) of this section. In formulating and implementing such management program, the Secretary shall be assisted by an advisory group called the Trinity River Basin Fish and Wildlife Task Force established under section 3.

(2) In order to facilitate the implementation of those activities under the management program over which the Secretary does not have jurisdiction, the Secretary shall undertake to enter into a memorandum of agreement with those Federal, State, and local agencies, and the Indian tribe, represented on the Task Force established under section 3. The memorandum of agreement should specify those management program activities for which the respective signatories to the agreement are primarily responsible and should contain such commitments and arrangements between and among the signatories as may be necessary or appropriate to ensure the coordinated implementation of the program.

(3) To the extent not provided for under a memorandum of agreement entered into under paragraph (2), the Secretary shall coordinate the activities undertaken under such management program with the activities of State and local agencies, and the activities of other Federal agencies, which have responsibilities for managing public lands and natural resources within the Trinity River Basin.

TRINITY RIVER BASIN FISH AND WILDLIFE TASK FORCE

Establishment.

SEC. 3. (a) There is established the Trinity River Basin Fish and Wildlife Task Force (hereinafter in this Act referred to as the "Task Force") which shall be composed of fourteen members as follows:

(1) One officer or employee of the California Department of Fish and Game to be appointed by the administrative head of such department.

98 STAT. 2723 (2) One officer or employee of the California Department of Water Resources to be appointed by the administrative head of such department.

(3) One member or employee of the California Water Resources Control Board to be appointed by such board.

(4) One officer or employee of the California Department of Forestry to be appointed by the administrative head of such department.

(5) One officer or employee of the United States Fish and Wildlife Service to be appointed by the Secretary.

(6) One officer or employee of the United States Bureau of Reclamation to be appointed by the Secretary.

(7) One officer or employee of the United States Bureau of Land Management to be appointed by the Secretary.

(8) One officer or employee of the United States Bureau of Indian Affairs to be appointed by the Secretary.

(9) One officer or employee of the United States Forest Service to be appointed by the Secretary of Agriculture.

(10) One officer or employee of the United States Soil Conservation Service to be appointed by the Secretary of Agriculture.

(11) One officer or employee of the United States National Marine Fisheries Service to be appointed by the Secretary of Commerce.

(12) One individual to be appointed by the board of supervisors of Humboldt County, California.

(13) One individual to be appointed by the board of supervisors of Trinity County, California.

(14) One individual to be appointed by the Hoopa Tribe of the Hoopa Valley Indian Reservation, California.

Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made.

(b) If any member of the Task Force who was appointed to the Task Force as an officer or employee of a United States department or agency or as an officer or employee of a California State department or board leaves such office or employment, he may continue as a member of the Task Force for not longer than the end of the fourteen-day period beginning on the date he leaves such office or employment.

(c)(1) Members of the Task Force who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Task Force.

(2) No moneys authorized to be appropriated under this Act may be used to pay any member of the Task Force for service on the Task Force or to reimburse any agency or governmental unit for the pay of any such member for such service.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Subject to subsection (b), there are authorized to be appropriated—

(1) after fiscal year 1985, and to remain available until October 1, 1995, for design and construction under the management program formulated under section 2(a), $33,000,000, adjusted appropriately to reflect any increase or decrease in the engineering cost indexes applicable to the types of construction involved between (A) the month of May 1982, and (B) the date of enactment of any appropriation for such construction; and

98 STAT. 2724 (2) for the cost of operations, maintenance, and monitoring under that management program, $2,400,000 for each of the fiscal years in the ten-year period beginning on October 1, 1985.

(b) No moneys appropriated under subsection (a) may be expended, and no moneys may be expended for carrying out Grass Valley Creek activities, after September 30, 1984, until the Secretary receives assurances satisfactory to him that—

(1) the State of California and the counties of Humboldt and Trinity in California will pay during each fiscal year (on the basis of such shares as the State and the counties mutually agree upon) to the Treasury of the United States an amount

equal to 15 per centum of the total amount of money that is expended during that year (A) from appropriations made under subsection (a), and (B) for carrying out Grass Valley Creek activities; and

(2) the public utilities, water districts, and other direct purchasers of water and power from the Trinity River division of the Central Valley project referred to in section 1(1) will pay (on the basis of such shares as are determined by the Secretary) to the Treasury of the United States, within such period of time and in such increments as are satisfactory to the Secretary, an amount equal to 50 per centum of the total amount of money that is expended (A) from appropriations made under subsection (a), and (B) for carrying out Grass Valley Creek activities.

(c) No moneys appropriated under subsection (a) may be expended for any construction described in section 2(a)(1)(A) below the confluence of Grass Valley Creek and the Trinity River until the construction of the debris dam referred to in subsection (d)(1) is completed.

(d) For purposes of this section, the term "Grass Valley Creek activities" means the following activities authorized by the Act of September 4, 1980 (94 Stat. 1062):

(1) The construction of the Grass Valley Creek debris dam.

(2) The construction, operation, and maintenance of the sand dredging system in Grass Valley Creek.

Approved October 24, 1984.

LEGISLATIVE HISTORY—H.R. 1438:

HOUSE REPORT No. 98-1035, Pt. 1 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-647 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Sept. 24, considered and passed House.
  Oct. 4, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 43 (1984):
  Oct. 24, Presidential statement.

Public Law 98-548
98th Congress

98 STAT. 2774

An Act

To extend the Wetlands Loan Act.

Oct. 26, 1984
[H.R. 5271]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

That the first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961, is amended by striking out "September 30, 1984," and inserting in lieu thereof "September 30, 1986,". 16 USC 715k-3.

SEC. 102. Section 3 of such Act of October 4, 1961, is amended by striking out "October 1, 1984," each place it appears therein and inserting in lieu thereof "October 1, 1986,". 16 USC 715k-5.

TITLE II—TO ESTABLISH THE CONNECTICUT COASTAL NATIONAL WILDLIFE REFUGE

FINDINGS AND PURPOSES

SEC. 201. (a) FINDINGS.—The Congress finds that— 16 USC 668dd note.

(1) Chimon Island, off the coast of Norwalk, is the most important heron rookery in Connecticut and contains one of the three largest wading bird colonies in the Northeast United States;

(2) Milford Point, a narrow ten-acre tombolo, is one of the few

remaining nesting sites in Connecticut for the piping plover;

(3) Falkner's Island supports the only significant breeding population of the roseate tern in Connecticut and the only major population of the common tern; and

(4) Sheffield Island is an excellent potential nesting habitat for heron.

(b) PURPOSES.—The purposes for which the Connecticut Coastal National Wildlife Refuge is established are—

(1) to enhance the populations of herons, egrets, terns, and other shore and wading birds within the refuge;

(2) to encourage natural diversity of fish and wildlife species within the refuge;

(3) to provide for the conservation and management of all fish and wildlife, within the refuge;

(4) to fulfill the international treaty obligations of the United States respecting fish and wildlife; and

(5) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation.

DEFINITIONS

98 STAT. 2775

SEC. 202. As used in sections 201 through 205 of this Act—

(1) The term "refuge" means the Connecticut Coastal National Wildlife Refuge.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "selection area" means the lands and waters of Chimon Island, Milford Point, Falkner's Island, and Sheffield Island in the State of Connecticut.

ESTABLISHMENT OF REFUGE

Public availability. Federal Register, publication.

SEC. 203. (a) SELECTION.—(1) Within ninety days after the effective date of this Act, the Secretary shall—

(A) designate approximately one hundred and forty-five acres of land and waters within the selection area as land which the Secretary considers appropriate for the refuge;

(B) prepare a detailed map depicting the boundaries of the land designated under subparagraph (A), which map shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service, and publish notice in the Federal Register of such availability.

(2) The Secretary may make such minor revisions in the boundaries designated under paragraph (1)(B) of this subsection as may be appropriate to carry out the purpose of this Act or to facilitate the acquisition of property within the refuge.

(b) ACQUISITION.—(1) Except as provided in paragraph (2), the Secretary shall acquire (by donation, purchase with donated or appropriated funds, or exchange) lands, waters, or interests therein within the boundaries designated under subsection (a)(1)(B).

(2) The Secretary of the department in which the Coast Guard is operating shall transfer jurisdiction over Falkner's Island, Connecticut, to the Department of the Interior; except that the Coast Guard shall remain responsible for the operation and maintenance of the lighthouse on the island.

Federal Register, publication.

(c) ESTABLISHMENT.—The Secretary shall establish the national wildlife refuge, by publication of a notice to that effect in the Federal Register, whenever sufficient property has been acquired under this section to constitute an area that can be effectively managed as a national wildlife refuge.

ADMINISTRATION

SEC. 204. The Secretary shall administer all lands, waters, and interests therein, acquired under section 203 of this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee). The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of the refuge.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There is authorized to be appropriated to the Department of the Interior $2,500,000 from funds not otherwise appropriated from the Land and Water Conservation Fund for the acquisition of lands for the refuge, which sums shall remain available until expended.

98 STAT. 2776

TITLE III—TO ESTABLISH THE ATCHAFALAYA NATIONAL WILDLIFE REFUGE

DECLARATION OF FINDINGS AND PURPOSES

16 USC 668dd note.

SEC. 301. (a) FINDINGS.—The Congress finds that—

(1) thousands of acres of bottomland hardwoods are being cleared each year in the Mississippi River Delta;

(2) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States and have extremely high recreational value for hunters, fishermen, trappers, birdwatchers, nature photographers, and others, and

(3) the Atchafalaya area is a bottomland hardwood swamp which provides habitat for a diversity of wildlife, including herons, egrets, and other wading birds; mallards, wood ducks, and countless waterfowl; black bears, deer, bobcat, muskrat, and other mammals; a large population of alligators; and the Louisiana crawfish, as well as bass, catfish, and other fish.

(b) PURPOSES.—The purposes for which the Atchafalaya National Wildlife Refuge is established are—

(1) to provide for the conservation and management of all fish and wildlife within the refuge;

(2) to fulfill the international treaty obligations of the United States with respect to fish and wildlife; and

(3) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation, including hunting, fishing and trapping, birdwatching, nature photography, and others.

DEFINITIONS

SEC. 302. As used in sections 301 through 305 of this Act—

(1) The term "Refuge" means Atchafalaya National Wildlife Refuge.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Selection area" means those lands and waters that are depicted on the map dated September 21, 1984, on file with the United States Fish and Wildlife Service which are not owned by the State of Louisiana and which are available from willing sellers.

ESTABLISHMENT OF REFUGE

SEC. 303. (a)(1) SELECTION.—Within one hundred and eighty days after the effective date of this Act, the Secretary shall—

(A) designate with the concurrence of the State of Louisiana land and waters within the selection area as land which the Secretary and the State of Louisiana consider appropriate for the refuge;

(B) prepare a detailed map with the concurrence of the State of Louisiana, depicting the boundaries of the land designated under subparagraph (A), which map shall be on file and available for public inspection at offices of the United States Fish and Wildlife Service, and publish notice in the Federal Register of such availability.

(2) The Secretary may make such minor revisions in the boundaries designated under paragraph (1)(B) of this subsection as may be appropriate to carry out the purpose of this Act or to facilitate the acquisition of property within the refuge.

98 STAT. 2777

Public lands.
Ante, p. 1369.

(b) ACQUISITION.—The Secretary shall acquire with funds provided under Public Law 98-396, the lands, waters, or interests therein within the boundaries designated under subsection (a)(1)(B). The Secretary is authorized to include in any transfer of property to the United States, pursuant to this Act, language requiring the United States, in the event that such property is no longer required for fish and wildlife conservation and prior to any subsequent sale, exchange, other transfer of the property acquired, to first offer such property to the vendors, their heirs, successors or assigns, at the same price then being offered by any third party, which price shall in no event be less than the current fair market value.

Federal Register, publication.

(c) ESTABLISHMENT.—The Secretary shall establish the National Wildlife Refuge, by publication of a notice to that effect in the Federal Register, whenever sufficient property has been acquired under this section to constitute an area that can be effectively managed as a national wildlife refuge.

ADMINISTRATION

SEC. 304. The Secretary shall administer all lands, waters, and interests therein, acquired under section 303 of this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of the refuge: *Provided, however,* That the Secretary shall enter into a cooperative agreement with the State of Louisiana to provide for management of the refuge by the State in a manner that is consistent with the responsibilities of the Secretary as the primary Administrator of the refuge and the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee).

98 STAT. 2778

SEC. 305. The refuge shall be treated as a fee area for purposes of applying section 401 of the Act commonly referred to as the Refuge Revenue Sharing Act (16 U.S.C. 715s).

EFFECTIVE DATE

Effective date.

SEC. 306. This Act shall take effect October 1, 1984, or on the date of its enactment, whichever date is later.

Approved October 26, 1984.

LEGISLATIVE HISTORY—H.R. 5271:

HOUSE REPORT No. 98-705 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Sept. 24, considered and passed House.
  Oct. 3, considered and passed Senate, amended.
  Oct. 4, House concurred in Senate amendments.

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98 STAT. 2928

Public Law 98-568
98th Congress

An Act

Oct. 30, 1984
[H.R. 2645]

To amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Act of August 15, 1978, entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes" (Public Law 95-344; 16 U.S.C. 460ii) is amended by adding the following at the end thereof: "For purposes of facilitating Federal technical and other support to State and local governments to assist State and local efforts to protect the scenic, recreational, and natural values of a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee

River and its impoundments in the 48-mile segment referred to above, such corridor is hereby declared to be an area of national concern.".

16 USC 460ii.

(b) Section 101 of such Act is amended—

(1) by striking out "numbered CHAT-20,000, and dated July 1976" and substituting "numbered CHAT-20,003, and dated September 1984"; and

(2) by striking out "six thousand three hundred acres" and substituting "approximately 6,800 acres".

16 USC 460ii-1.

(c) Section 102 of such Act is amended by adding the following at the end thereof:

Public lands.

"(f)(1) The Secretary shall exchange those federally owned lands identified on the map referenced in section 101 of this Act as 'exchange lands' for non-Federal lands which are within the boundaries of the recreation area. The values of the lands exchanged under this subsection shall be equal, or shall be equalized in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

Federal Register, publication. Report.

"(2) At three year intervals after the date of the enactment of this subsection, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

Termination.

"(3) Effective on the date ten years after the date of the enactment of this subsection, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership as a part of the recreation area.

"(4) The Secretary shall publish a revision of the boundary map referred to in section 101 to exclude from the boundaries of the recreation area any exchange lands which are used to acquire non-Federal lands under paragraph (3).".

16 USC 460ii-3.

(d) Section 104 of such Act is amended by adding the following at the end thereof:

98 STAT. 2929

Public lands.

"(d)(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any project recommended in the study entitled 'Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers,' dated June 1, 1982, which directly adversely impacts any lands within the authorized recreation boundaries of the Bowman's Island tract as shown on the map numbered and dated CHAT-20,003, September 1984, which were in Federal ownership as of September 1, 1984, shall, upon request by the Secretary, mitigate such adverse impacts. It is expressly provided that use of or adverse impact upon any other lands within the recreation area as result of any such project shall not require mitigation. Mitigation required by this paragraph shall be provided by payment to the United States of a sum not to exceed $3,200,000. The mitigation funds paid pursuant to this paragraph shall be utilized by the Secretary for the acquisition of replacement lands. Such replacement lands shall be acquired only after consultation with the Governor of Georgia.

"(2) In acquiring replacement lands under paragraph (1) priority shall be given to acquisition of lands within the recreation area boundary and those lands within or adjacent to the 2,000 foot wide corridor referred to in section 101. Any lands acquired pursuant to this subsection lying outside the boundaries of the recreation area shall, upon acquisition, be included within the recreation area and transferred to the Secretary for management under this Act. The Secretary shall publish a revised boundary map to include any lands added to the recreation area pursuant to this subsection.

"(3) If lands as described in paragraph (2) are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.".

16 USC 460ii-4.

(e)(1) Section 105(a) of such Act is amended by striking out "$72,900,000" and substituting "$79,400,000" and by adding the following at the end thereof: "For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.".

(2) Section 105(c) of such Act is amended by striking out "three years" and substituting "seven years".

(3) Section 105 of such Act is further amended by adding the following new subsection at the end thereof:

"(d)(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 101 which may have a direct and adverse effect on the natural or cultural resources of the recreation area, the head of such department, agency, or instrumentality shall—

42 USC 4321 note.

"(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

98 STAT. 2930

"(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

"(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act.

42 USC 4321 note.

"(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

"(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

"(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

"(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

"(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

"(A) those necessary for safeguarding of life and property;

"(B) those necessary to respond to a declared state of disaster;

"(C) those necessary to respond to an imminent threat to national security; and

"(D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled 'Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers', dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.".

(f) Title I of such Act is amended by adding the following at the end thereof:

16 USC 460ii-5.
Chattahoochee River National Recreation Area Advisory Commission, establishment.

"SEC. 106. (a) There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereinafter in this Act referred to as the 'Advisory Commission') to advise the Secretary regarding the management and operation of the area, protection of resources with the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary:

"(1) four members appointed from among individuals recommended by local governments—

"(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

"(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

"(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

"(D) one of whom shall be recommended by the Board of County Commissioners of Gwinnett County;

"(2) one member appointed from among individuals recommended by the Governor of Georgia;

"(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

"(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

"(5) one member appointed from among individuals recommended by the Business Council of Georgia or by a local chamber of commerce in the vicinity of the recreation area; and

"(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

"(b)(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

"(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

"(c) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

"(d) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

"(e) The Advisory Commission shall terminate on the date ten years after the date of the enactment of this subsection.".

98 STAT. 2932

Effective date.
16 USC 460ii note.

SEC. 2. Any provision of any amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 2645:

HOUSE REPORT No. 98-607 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-633 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Mar. 5, considered and passed House.
  Oct. 3, considered and passed Senate, amended.
  Oct. 4, House concurred in Senate amendments.

98 STAT. 2933

Public Law 98-569
98th Congress

An Act

Oct. 30, 1984
[H.R. 2790]

To amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.
Water.
Fish and fishing.
Wildlife.

SECTION 1. Section 201(b) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1591(b)), hereinafter referred to as the "Act", is amended by adding at the end thereof the following new sentence: "In determining the relative priority of implementing additional units or new self-contained portions of units authorized by section 202, the Secretary or the Secretary of Agriculture, as the case may be, shall give preference to those additional units or new self-contained portions of units which reduce salinity of the Colorado River at the least cost per unit of salinity reduction.".

SEC. 2. (a) Section 202 of the Act (43 U.S.C. 1592) is amended by inserting "(a)" after "SEC. 202.".

(b) Section 202(a) of such Act, as amended by subsection (a), is amended—

(1) in paragraph (1) by inserting before the period at the end thereof the following: ", and consisting of measures to replace incidental fish and wildlife values foregone";

(2) in the second sentence of paragraph (2) by inserting "replacing canals and laterals with pipe," after "canals and laterals," and by inserting "implementing other measures to reduce salt contributions from the Grand Valley to the Colorado River, and implementing measures to replace incidental fish and wildlife values foregone." after "efficient facilities";

(3) in the third sentence of paragraph (2) by inserting ", or portion thereof," after "Grand Valley unit", by striking out "agencies" and inserting in lieu thereof "non-Federal entities", by inserting ", or portions thereof," after "water distribution systems", and by striking out "all obligations" and inserting in lieu thereof "the obligations specified in subsection (b)(2)";

(4) in paragraph (2) by striking out the fourth, fifth, and sixth sentences;

(5) by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3);

(6) in paragraph (3) (as redesignated) by deleting the period at the end thereof and inserting ", and consisting of measures to replace incidental fish and wildlife values foregone."; and

(7) by adding at the end thereof the following new paragraphs:

"(4) Stage I of the Lower Gunnison Basin unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce seepage from canals and laterals in the Uncompahgre Valley, and consisting of measures to replace incidental fish and wildlife values foregone, essentially as described in the feasibility report and final environmental statement dated February 10, 1984. Prior to initiation of construction of stage I of the Lower Gunnison Basin unit, or of a portion of stage I, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Uncompahgre Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) relating to the continued operation and maintenance of the unit's facilities.

Contracts with U.S.

"(5) Portions of the McElmo Creek unit, Colorado, as components of the Dolores participating project, Colorado River Storage project, authorized by Public Law 90-537 and Public Law 84-485, consisting of all measures and all necessary appurtenant and associated works to reduce seepage only from the Towaoc-Highline combined canal, Rocky Ford laterals, Lone Pine lateral, and Upper Hermana lateral, and consisting of measures to replace incidental fish and wildlife values foregone. The Dolores participating project shall have salinity control as a project purpose insofar as these specific facilities are concerned: *Provided*, That the costs of construction and replacement of these specific facilities shall be allocated by the Secretary to salinity control and irrigation only after consultation with the State of Colorado, the Montezuma Valley Irrigation District, Colorado, and the Dolores Water Conservancy District, Colorado: *And provided further*, That such allocation of costs to salinity control will include only the separable and specific costs of these specific facilities and will not include any joint costs of any other facilities of the Dolores participating project. Repayment of costs allocated to salinity control shall be subject to this Act. Repayment of costs allocated to irrigation shall be subject to the Acts which authorized the Dolores participating project, the Reclamation Act of 1902, and Acts amendatory and supplementary thereto. Prior to initiation of construction of these specific facilities, or a portion thereof, the Secretary shall enter into contracts through which the non-Federal entities owning, operating, and maintaining the water distribution systems, or portions thereof, in the Montezuma Valley, singly or in concert, will assume the obligations specified in subsection (b)(2) relating to the continued operation and maintenance of the unit's facilities.".

43 USC 1501 note.
43 USC 620 note.

43 USC 371 note.
Contracts with U.S.

(c) Section 202 of such Act is further amended by inserting at the end thereof the following new subsections:

Ante, p. 2933.

"(b) In implementing the units authorized to be constructed pursuant to subsection (a), the Secretary shall carry out the following directions:

"(1) As reports are completed describing final implementation plans for the unit, or any portion thereof, authorized by paragraph (5) of subsection (a), and prior to expenditure of funds for related construction activities, the Secretary shall submit such reports to the appropriate committees of the Congress and to the governors of the Colorado River Basin States.

Reports.

"(2) Non-Federal entities shall be required by the Secretary to contract for the long-term operation and maintenance of canal and lateral systems constructed pursuant to activities provided for in subsection (a): *Provided*, That the Secretary shall reimburse such non-Federal entities for the costs of such operation and maintenance to the extent the costs exceed the expenses that would have been incurred by them in the thorough and timely operation and maintenance of their canal and lateral systems absent the construction of a unit, said expenses to be determined by the Secretary after consultation with the involved non-Federal entities. The operation and maintenance for which non-Federal entities shall be responsible shall include such repairing and replacing of a unit's facilities as are associated with normal annual maintenance activities in order to keep such facilities in a condition which will assure maximum reduction of salinity inflow to the Colorado River. These non-Federal entities shall not be responsible, nor incur any costs, for the replacement of a unit's facilities, including measures to replace incidental fish and wildlife values foregone. The term replacement shall be defined for the purposes of this title as a major modification or reconstruction of a completed unit, or portion thereof, which is necessitated, through no fault of the non-Federal entity or entities operating and maintaining a unit, by design or construction inadequacies or by normal limits on the useful life of a facility. The Secretary is authorized to provide continuing technical assistance to non-Federal entities to assure the effective and efficient operation and maintenance of a unit's facilities.

Grants.
Contracts with U.S.

"(3) The Secretary may, under authority of this title, and limited to the purposes of this Act, fund through a grant or contract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to organize private canal and lateral owners into formal organizations with which the Secretary may enter into a grant or contract to construct, operate, and maintain a unit's facilities.

Ante, p. 2933.

"(4) In implementing the units authorized to be constructed pursuant to paragraphs (1), (2), (3), (4), and (5) of subsection (a), the Secretary shall comply with procedural and substantive State water laws.

Grants.
Contracts with U.S.

"(5) The Secretary may, under authority of this title and limited to the purposes of this Act, fund through a grant or contract, for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts, a non-Federal entity to operate and maintain measures to replace incidental fish and wildlife values foregone.

"(6) In implementing the units authorized to be constructed pursuant to subsection (a), the Secretary shall implement measures to replace incidental fish and wildlife values foregone concurrently with the implementation of a unit's, or a portion of a unit's, related features.

"(c)(1) The Secretary of Agriculture may establish a voluntary cooperative salinity control program with landowners to improve on-farm water management and reduce watershed erosion on non-Federal lands and on lands under the control of the Department of Agriculture for the purpose of assisting in meeting the objectives of this title.

"(2) In carrying out such program, the Secretary of Agriculture shall—

"(A) identify salt-source areas and determine the salt load resulting from irrigation and watershed management practices;

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"(B) develop, in consultation with the public and affected governmental interests, plans for implementing measures that will reduce the salt load of the Colorado River by improving on-farm irrigation water management including improvement of related laterals and by improving watershed erosion management practices, such measures to include voluntary replacement of incidental fish and wildlife values foregone;

Contracts with U.S.

"(C) provide technical and cost-sharing assistance for the voluntary implementation of plans through contracts and agreements with individuals or groups of owners and operators of farms, ranches, and other lands as well as with local governmental and nongovernmental entities such as irrigation districts and canal companies, except that a portion of the costs of implementing such plans shall be shared by the participants on the basis of benefits received and other appropriate factors, as determined by the Secretary of Agriculture, and except that such contracts and agreements shall provide for continuing operation and maintenance of measures installed under this subsection, including measures to replace incidental fish and wildlife values foregone, without additional cost-sharing assistance;

"(D) provide continuing technical assistance for irrigation water management as well as monitoring and evaluation of changes in salt contributions to the Colorado River to determine program effectiveness;

"(E) carry out related research, demonstration, and education activities; and

Contracts with U.S.

"(F) in entering into contracts or agreements pursuant to section 202(c)(2)(C), require a minimum of 30 per centum cost-sharing contribution from individuals or groups of owners and operators of farms, ranches, and other lands as well as from local governmental and nongovernmental entities such as irrigation districts and canal companies, unless the Secretary finds in his discretion that such cost-sharing requirement would result in a failure to proceed with needed on-farm measures.

Reports.

"(3) The measures to be implemented in any particular salt source area shall be described in reports issued by the Secretary of Agriculture. Copies of the reports are to be submitted to—

"(A) the committees on Agriculture and Appropriations of the House of Representatives and the committees on Agriculture, Nutrition and Forestry and Appropriations of the Senate;

"(B) members of the advisory council established by section 204(a) of this title; and

43 USC 1594.

"(C) the Governor of any State where measures are to be implemented.

Prohibition.

No funds for implementation of proposed measures undertaken pursuant to this subsection may be expended until the expiration of sixty days after submission of the report of the Secretary of Agriculture.

"(4) The Secretary of Agriculture may use existing agencies as well as the services and facilities of the Commodity Credit Corporation to carry out the provisions of this subsection. The Secretary of Agriculture, in addition, may authorize participating agencies to utilize grants or cooperative agreements with conservation districts, local governmental agencies, colleges and universities, or others as appropriate to carry out the activities identified in this subsection.

Appropriation authorization.

There is hereby authorized to be appropriated annually, to be available until expended, such funds as may be necessary to carry out the provisions of this subsection: *Provided*, That no disbursement shall be made by the Commodity Credit Corporation unless it

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has received funds to cover the amount thereof from appropriations available for the purpose of carrying out this Act.

Report.

"(5) The Secretary of Agriculture shall submit a report to Congress by January 1, 1988, and at each five-year interval thereafter, concerning the operation of the program authorized by this subsection. Such report shall contain an evaluation of the operation of such program and may include recommendations for such additional legislation as may be necessary to solve identified salinity problems in areas designated by the Secretary of Agriculture and may include recommendations to utilize new technology and research related to such problems.".

SEC. 3. Section 203(b) of the Act (43 U.S.C. 1593(b)) is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following new paragraphs:

"(3) to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management and submit a report which describes the program and recommended implementation actions to the Congress and to the members of the advisory council established by section 204(a) of this title by July 1, 1987;

43 USC 1594.

"(4) to undertake feasibility investigations of saline water use and disposal opportunities, including measures and all necessary appurtenant and associated works, to demonstrate saline water use technology and to beneficially use and dispose of saline and brackish waters of the Colorado River Basin in joint ventures with current and future industrial water users, using, but not limited to, the concepts generally described in the Bureau of Reclamation Special Report of September 1981, entitled "Saline water use and disposal opportunities"; and

"(5) to undertake advance planning activities on the Sinbad Valley Unit, Colorado, as described in the Bureau of Land Management Salinity Status Report, covering the period 1978–1979 and dated February 1980.".

SEC. 4. (a) Section 205(a) of the Act (43 U.S.C. 1595(a)) is amended by inserting "(a)" after "section 202" and by inserting after "total costs" the following: "(excluding costs borne by non-Federal participants pursuant to section 202(c)(2)(C)) of the on-farm measures authorized by section 202(c), of all measures to replace incidental fish and wildlife values foregone, and".

Ante, p. 2933.

Ante, p. 2934.

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(b) Section 205(a)(1) of such Act is amended by inserting before "shall be nonreimbursable." the words "authorized by section 202(a) (1), (2), and (3), including 75 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, 70 per centum of the total costs of construction, operation, maintenance, and replacement of each unit, or separable feature thereof authorized by section 202(a) (4) and (5), including 70 per centum of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone, and 70 per centum of the total costs of implementation of the on-farm measures authorized by section 202(c), including 70 per centum of the total costs of the associated measures to replace incidental fish and wildlife values foregone,". Section 205(a)(1) of such Act is further amended by adding at the end thereof "The total costs remaining after these allocations shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5), of section 205(a)".

43 USC 1595.

(c) Section 205(a)(2) of such Act is amended by striking "Twenty-five per centum" and inserting in lieu thereof "The reimbursable portion".

(d) Section 205(a)(3) of such Act is amended to read as follows:

Ante, p. 2933.

"(3) Costs of construction and replacement of each unit or separable feature thereof authorized by sections 202(a) (1), (2), and (3) and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections 202(a) (1), (2), and (3), allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid within a fifty-year period or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less, without interest from the date such unit, separable feature, or replacement is determined by the Secretary to be in operation.".

Construction costs.

(e) Section 205(a) of such Act is amended by inserting at the end thereof the following new paragraphs:

"(4)(i) Costs of construction and replacement of each unit or separable feature thereof authorized by sections 202(a) (4) and (5), costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the on-farm measures authorized by section 202(c) or of the units authorized by sections 202(a) (4) and (5), and costs of implementation of the on-farm measures authorized by section 202(c) allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid as provided in subparagraphs (ii) and (iii), respectively, of this paragraph.

"(ii) Costs allocated to the upper basin shall be repaid with interest within a fifty-year period, or within a period equal to the estimated life of the unit, separable feature thereof, replacement, or on-farm measure, whichever is less, from the date such unit, separable feature thereof, replacement, or on-farm measure is determined by the Secretary or the Secretary of Agriculture to be in operation.

"(iii) Costs allocated to the lower basin shall be repaid without interest as such costs are incurred to the extent that money is available from the Lower Colorado River Basin development fund to repay costs allocated to the lower basin. If in any fiscal year the money available from the Lower Colorado River Basin development fund for such repayment is insufficient to repay the costs allocated to the lower basin, as provided in the preceding sentence, the deficiency shall be repaid with interest as soon as money becomes available in the fund for repayment of those costs.

"(iv) The interest rates used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period during the month preceding the date of enactment of the Act entitled "An Act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such Act, and for other purposes" for costs outstanding at that date, or, in the case of costs incurred subsequent to enactment of such Act, during the month preceding the fiscal year in which the costs are incurred.

"(5) Costs of operation and maintenance of each unit or separable feature thereof authorized by section 202(a) and of measures to replace incidental fish and wildlife values foregone allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such costs are incurred. In the event that revenues are not available to repay the portion of operation and maintenance costs allocated to the Upper Colorado River Basin fund and to the Lower Colorado River Basin development fund in the year next succeeding the fiscal year in which such costs are incurred, the deficiency shall be repayed with interest calculated in the same manner as provided in section 205(a)(4)(iv). Any reimbursement due non-Federal entities pursuant to section 202(b)(2) shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such operation and maintenance costs are incurred.".

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Ante, p. 2934.

(f)(1) Section 205(b)(1) of such Act is amended by inserting "authorized by section 202(a), costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 202(c)," before "allocated for repayment".

43 USC 1595.

(2) Section 403(g)(2) of the Lower Colorado River Basin Project Act (43 U.S.C. 1543(g)) is amended by inserting "the costs of measures to replace incidental fish and wildlife values foregone, and the costs of on-farm measures" before "payable from".

(g) Section 205(c) of the Act is amended by inserting "authorized by section 202(a), costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 202(c)" before "allocated for".

(h) Section 5(d)(5) of the Colorado River Storage Project Act (43 U.S.C. 620d(d)(5)) is amended by inserting ", the costs of measures to replace incidental fish and wildlife values foregone, and the costs of the on-farm measures" before "payable".

(i) Section 205(e) of the Act is amended by—

(1) striking out "of construction, operation, maintenance, and replacement of units";

(2) inserting "to the Upper Colorado River Basin Fund" after "allocated";

(3) inserting ", section 205(a)(4) and section 205(a)(5)" after "section 205(a)(3)"; and

(4) inserting ", for the construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures" after "salinity control units".

SEC. 5. (a) Section 208(a) of the Act (43 U.S.C. 1598) is amended by striking out "and not then if disapproved by said committees,".

(b)(1) The second sentence of section 208(b) of the Act is amended by inserting "(a) or (b)" after "section 202".

(2) Section 208(b) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The funds authorized to be appropriated by this section may be used for construction of any or all of the works or portions thereof and for other purposes authorized in subsection (a), including measures as provided for in subsection (b) of section 202 of this title.".

Effective date.
43 USC 1591 note.

SEC. 6. The amendments made by this Act shall take effect upon enactment of this Act.

2 USC 651.

SEC. 7. For purposes of complying with section 401 of the Congressional Budget Act of 1974, the authorization provided under this Act is subject to the availability of appropriations.

98 STAT. 2940

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 2790:

HOUSE REPORT No. 98-1018 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 2, considered and passed House.
Oct. 5, considered and passed Senate, amended.
Oct. 9, House concurred in Senate amendments.

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98 STAT. 3100

Public Law 98-585
98th Congress

An Act

Oct. 30, 1984
[H.R. 5076]

To designate certain areas in the Allegheny National Forest as wilderness and recreation areas.

Pennsylvania Wilderness Act of 1984.
National Wilderness Preservation System.
National Forest System.
National parks, monuments, etc.
16 USC 460qq note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pennsylvania Wilderness Act of 1984".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) there is an urgent need to identify and protect natural areas to meet the recreational needs of Americans;

(2) certain lands within the Allegheny National Forest in Pennsylvania are worthy of inclusion in the National Wilderness Preservation System; and

(3) certain other lands within the Allegheny National Forest are suitable for designation as a national recreational area.

PURPOSE

16 USC 460qq note.

SEC. 3. It is the purpose of this Act to—

(1) establish the Allegheny Islands Wilderness and the Hickory Creek Wilderness;

(2) establish the Allegheny National Recreation Area so as to ensure the preservation and protection of the area's natural, scenic, scientific, historic, archaeological, ecological, educational, watershed, and wildlife values and to provide for the enhancement of recreational opportunities, particularly undeveloped recreational opportunities; and

(3) ensure that any mineral exploration and development that takes place within the recreation area is done in an environmentally sound manner.

WILDERNESS DESIGNATIONS

SEC. 4. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Pennsylvania are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately three hundred and sixty-eight acres, as generally depicted on a map entitled "Allegheny Islands Wilderness—Proposed", dated March 1984, composed of Crulls Island, Thompsons Island, R. Thompsons Island, Courson Island, King Island, Baker Island, and No Name Island, and which shall be known as the Allegheny Islands Wilderness; and

16 USC 1132 note.

(2) certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately nine thousand three hundred and thirty-seven acres as generally depicted on a map entitled "Hickory Creek Wilderness—Proposed", dated March

16 USC 1132 note.

98 STAT. 3101

1984, and which shall be known as the Hickory Creek Wilderness.

ADMINISTRATION OF WILDERNESS

SEC. 5. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

16 USC 1131 note.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Pennsylvania with respect to wildlife and fish in the Allegheny National Forest in the State of Pennsylvania.

(c)(1) The Secretary is authorized to acquire by purchase, donation, or exchange, with donated or appropriated funds, such lands or interests in lands (including oil, gas, and other mineral interests and scenic easements) within the wilderness areas designated by this Act as the Secretary deems necessary to carry out the purposes of this Act. Such lands and interests in lands may be acquired only with the consent of the owner thereof.

(2) Not more than $2,000,000 is authorized to be appropriated for the purpose of acquiring, in accordance with this subsection, lands and interests in lands in the wilderness areas designated by this Act.

Appropriation authorization.

ALLEGHENY NATIONAL RECREATION AREA

SEC. 6. (a) In furtherance of the findings and purposes of this Act, certain lands in the Allegheny National Forest, Pennsylvania, which comprise approximately twenty-three thousand one hundred acres, as generally depicted on a map entitled "Allegheny National Recreation Area—Proposed", dated March 1984, are hereby designated as the Allegheny National Recreation Area (hereinafter in this Act referred to as the "national recreation area"). The Secretary of Agriculture may revise the boundaries of the national recreation area to correct errors or to include additional lands acquired adjacent to the area.

16 USC 460qq.

(b) The national recreation area shall be managed for the purposes of—

(1) outdoor recreation including, but not limited to, hunting, fishing, hiking, backpacking, camping, nature study, and the use of motorized and nonmotorized boats on the Allegheny Reservoir;

(2) the conservation of fish and wildlife populations and habitat;

(3) the protection of watersheds and the maintenance of free flowing streams and the quality of ground and surface waters in accordance with applicable law;

(4) the conservation of scenic, cultural, and other natural values of the area;

(5) allowing the development of privately owned oil, gas, and mineral resources subject to reasonable conditions prescribed by the Secretary under subsection (c) for the protection of the area; and

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(6) minimizing, to the extent practicable, environmental disturbances caused by resource development, consistent with the exercise of private property rights.

(c) The Secretary shall administer the national recreation area in accordance with the purposes described in subsection (b) and the laws, rules, and regulations applicable to the National Forest System. Subject to valid existing rights, any activity associated with the exploration, development, or transportation of oil, gas, or other minerals shall be subject to such reasonable conditions as the Secretary may prescribe, and in accordance with the management plan described in subsection (d), to achieve the purposes, described in subsection (b), of the national recreation area. For any such activity, the Secretary shall require a plan of operations which shall include provisions for adequate reclamation, including, to the extent practicable, revegetation and rehabilitation after each phase of operations is completed.

Management plan.

16 USC 1600 note.

42 USC 4321 note.

(d) The Secretary shall prepare, and may from time to time amend, a management plan for the national recreation area. The plan may be prepared in conjunction with, or incorporated with, ongoing planning for the Allegheny National Forest in accordance with the National Forest Management Act of 1976. The initial management plan and significant amendments or revisions shall be accompanied by an environmental impact statement prepared in accordance with the National Environmental Policy Act of 1969.

(e) The Secretary shall permit hunting, fishing, and trapping within the boundaries of the national recreation area in accordance with applicable Federal and State laws except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any prohibitions or restrictions made pursuant to this subsection shall be put into effect only after consultation with the appropriate State fish and game department.

Mines and mining.

(f) Subject to valid existing rights, the minerals in all federally owned lands within the national recreation area designated by this Act are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

(g) Nothing in this section shall be construed to apply to or have any effect on any other management area of the National Forest System, including any wilderness area or any other national recreation area.

MAPS AND DESCRIPTIONS

16 USC 460qq note.

Public availability.

SEC. 7. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the national recreation area and of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such maps and descriptions may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

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EFFECT OF RARE II

Conservation.

SEC. 8. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Pennsyl-

vania, and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Pennsylvania, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Pennsylvania;

(2) with respect to the National Forest System lands in the State of Pennsylvania which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed; 16 USC 1600 note.

(3) areas in the State of Pennsylvania reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management under section 6 of this Act upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans; and 16 USC 1604.

(4) in the event that revised land management plans in the State of Pennsylvania are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be

98 STAT. 3104

required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan. 16 USC 1600 note. 16 USC 1604.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Pennsylvania which are less than five thousand acres in size.

BUFFER ZONES

SEC. 9. The Congress does not intend that the designation of a wilderness area under this Act lead to the creation of protective perimeters or buffer zones around such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wilderness area.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 5076:

HOUSE REPORT No. 98-713, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-616 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  May 1, considered and passed House.
  Oct. 2, considered and passed Senate, amended.
  Oct. 4, House agreed to Senate amendment.

LABOR, HEALTH AND HUMAN SERVICES ACTS

Public Law 98-221
98th Congress

An Act

To revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes.

Feb. 22, 1984
[S. 1340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rehabilitation Amendments of 1984".

Rehabilitation Amendments of 1984.
29 USC 701 note.

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. Section 7(12) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

29 USC 706.

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, types of services provided, types of facilities or agencies which furnished services and whether each such facility or agency is public or private, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

29 USC 712.
Confidentiality.

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluations required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

29 USC 713.

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ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

29 USC 714.

29 USC 721.

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

29 USC 722.

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

29 USC 761a.

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitative Services".

29 USC 762.

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Health and Human Services".

29 USC 761a.

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

29 USC 761b.

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

29 USC 791.

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such section is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

29 USC 794c.

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

29 USC 795c.

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

29 USC 762a.

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(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

29 USC 713 note.

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

29 USC 720.

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows:

29 USC 730; *post*, p. 20.

"(b)(1)(A) For the purpose of making grants to States under part B of this title (other than grants under section 112) to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $1,037,800,000 for the fiscal year 1984, and the amount determined under subsection (c) for each of the fiscal years 1985, 1986, and 1987.

29 USC 721.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985 and 1986. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4).

Post, p. 20.

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than section 112) be more than $1,117,500,000 for the fiscal year 1985 and $1,203,200,000 for the fiscal year 1986.".

29 USC 730; *post*, p. 20.

(b) The first sentence of section 100(b)(2) of the Act is amended to read as follows:

29 USC 720.

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

29 USC 740.

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

(d) Section 100 of the Act is further amended by inserting at the end thereof the following new subsection:

Program extension, congressional action.

"(d)(1) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(A) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

29 USC 730.

"(B) of the duration of the program authorized by the State grant program under part B of this title;

either—

"(i) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

"(ii) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is automatically extended for one additional fiscal year for the program authorized by this title. The amount appropriated for the additional year shall be the amount

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which the Congress could, under the terms of the law for which the appropriation is made, have appropriated based upon the amount authorized for fiscal year 1986 and the amount authorized under subsection (c).

"(2)(A) For the purposes of subdivision (i) of paragraph (1), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

"(B) In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of paragraph (1) of this subsection which follows subdivision (ii) of paragraph (1) is in operation.".

(e) Section 110(a) of the Act is amended—

29 USC 730.

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section 100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled

Ante, p. 19.

under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of all the States.".

ELIGIBILITY FOR SERVICES

29 USC 722.

SEC. 112. Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

CLIENT ASSISTANCE

29 USC 732.

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (i), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State; and

"(2) meets the requirements of designation under subsection (c).

Designated public or private agencies.

"(c)(1) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this paragraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may designate an agency which provides treatment, services, or rehabilitation to handicapped individuals under this Act.

Ante, p. 17.

"(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving handicapped individuals in the State.

"(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

"(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

State allotments.

"(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"State."

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (f).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"Governor."

"(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

98 STAT. 22

Regulations.

"(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this Act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The agency designated under subsection (c) shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of the program, including appropriate recommendations.

Copies of report to congressional committees.

Report to Congress.

"(h)(1) The Commissioner shall conduct a comprehensive evaluation of the client assistance program authorized by this section, and submit a report to Congress, not later than February 1, 1986.

Study.

"(2) In conducting the study required by this subsection, the Commissioner shall address and report the following information for each State that received a client assistance program grant. The study shall include—

"(A) the numbers of handicapped individuals assisted through the client assistance program;

"(B) the handicapping conditions of the individuals assisted, and the proportion each type of individuals represents of the total population assisted;

"(C) the types of services provided, cross-referenced to types of handicapped individuals assisted through each service;

"(D) the type of organization or agency which administers the client assistance program;

"(E) the physical proximity of the client assistance program to the State vocational rehabilitation agency; and

"(F) the type of organizational structure used by the client assistance program to deliver services.

"(3) In conducting the study the Commissioner shall make the following comparisons:

"(A) differences in service delivery patterns in client assistance programs in urban and rural areas;

"(B) differences in service delivery patterns among client assistance programs administered in various organizational settings; and

"(C) differences in service delivery patterns among client assistance programs established after this reauthorization and those that were established prior to this reauthorization.

"(4) The report shall include such recommendations, including recommendations for legislative proposals, as the Commissioner

98 STAT. 23

Appropriation authorization.

"(i) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.".

(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

29 USC 741.

Sec. 114. (a) The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including—

"(1) programs to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

(b) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

Part B—Research and Training

AUTHORIZATION OF APPROPRIATIONS

29 USC 761.

Sec. 121. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years".

(b) Section 201(a)(2) of the Act is amended to read as follows:

"(2) for the purpose of carrying out section 204, $36,000,000 for the fiscal year 1984, $40,000,000 for the fiscal year 1985, and $44,000,000 for the fiscal year 1986.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

29 USC 761a.

Sec. 122. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" both times it appears and inserting in lieu thereof "Education" each such time.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

98 STAT. 24

RESEARCH

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.". 29 USC 762.

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987". 29 USC 771.

VOCATIONAL TRAINING

SEC. 132. Section 302 of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986". 29 USC 772.

TRAINING

SEC. 133. (a)(1) Section 304(a) of the Act is amended— 29 USC 774.

(A) by inserting "(1)" after "including" the second time it appears;

(B) by inserting after "placement services" a comma and the following: "(2) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance program,"; and

98 STAT. 25

(C) by inserting "(3)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.". 29 USC 774. 29 USC 794.

(b)(1) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" the first time it appears in such section.

(2) Section 304(c) of the Act is amended by inserting "qualified" before "personnel" the first time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may".

Report to Congress.

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.".

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

Appropriation authorization.

(2) The first sentence of section 304(e) of the Act (as redesignated by paragraph (1)) is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

29 USC 775.

SEC. 134. Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

29 USC 777.

SEC. 135. Section 310(a) of the Act is amended—

(1) by striking out "313" and inserting in lieu thereof "316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

29 USC 777a.

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new flush sentence: "The Director of the National Institute of Handicapped Research may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations for spinal cord injuries.".

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence:

"The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsection:

Handicapped youth job training.

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperative efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advanced learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

20 USC 1425.

SPECIAL RECREATIONAL PROGRAMS AUTHORIZATION OF APPROPRIATIONS

29 USC 777f.

SEC. 137. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

29 USC 780.

SEC. 141. (a) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

Independent agency establishment.
29 USC 780a.
Ante, p. 17.

(b)(1) Effective on the date of enactment of the Rehabilitation Amendments of 1984, the National Council on the Handicapped shall be an independent agency within the Federal Government and shall not be an agency within the Department of Education or any other department or agency of the United States.

98 STAT. 27

Functions of Chairman.

(2) There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of the Rehabilitation Amendments of 1984. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of the Rehabilitation Amendments of 1984.

Ante, p. 17.
29 USC 701 note.

(3) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

DUTIES

29 USC 781.

SEC. 142. (a) Section 401 of the Act is amended—

(1) by striking out clause (3) and inserting in lieu thereof the following:

"(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute of Handicapped Research on the development of the programs to be carried out under this Act;";

(2) in clause (5)—

(A) by inserting "the President, the Congress," immediately before "the Secretary"; and

(B) by striking out "the Commissioner,";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

(b) Section 401 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) The National Council shall—

"(1) review all statutes pertaining to Federal programs which assist handicapped individuals;

"(2) make a priority listing of such programs based on the number of handicapped individuals such programs assist and the Federal costs of such programs;

"(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

"(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to clause (3); and 98 STAT. 28

Final report to President and Congress.

"(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.".

STAFF

29 USC 783.

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

(d) Section 403(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The National Council may—

"(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code; 96 Stat. 923.

"(B) accept, in the name of the Council, employ and dispose of in furtherance of this Act, any money, or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

"(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

"(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

"(4) From the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, $500,000 in fiscal year 1984 shall be transferred and made available to the National Council.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986.". 29 USC 792.

98 STAT. 29

PART F—EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows: 29 USC 795f.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units". 29 USC 795g.

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) Any agreement developed under this subsection shall include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the types of assistance provided;

"(C) the sources of funding;

"(D) the percentage of resources committed to each type of assistance provided;

"(E) the extent to which the employment status and earning power of handicapped individuals changed following assistance;

"(F) the extent of capacity building activities, including collaboration with other organizations, agencies, and institutions; and

"(G) a comparison, when appropriate, of activities in prior years with activities in the most recent year.".

(c) Section 621 of the Act is amended by adding after subsection (c) the following new subsections:

"(d)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in section (a)(3) to assist each recipient under the Projects With Industry Program receiving assistance under this title to review and evaluate the operation of its project. Evaluation standards.

"(2) The Commissioner shall, pursuant to section 14 of this Act, conduct a comprehensive evaluation of the Projects With Industry Program and submit a report on February 1, 1986, to Congress on the evaluation, including recommendations for the improvement Report to Congress.

and continuation of each recipient and for the support of new Projects With Industry recipients. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation criteria which are consistent with those required in section (a)(3).

"(3) In developing standards for evaluation to be used by the Projects With Industry recipients, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from State Vocational Rehabilitation Agencies, current

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Projects With Industry recipients, professional organizations representing industry, organizations representing handicapped individuals, individuals assisted by Projects With Industry recipients, and labor organizations.

Approval of standards.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within ninety days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within ninety days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(e) The parties to each agreement receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 is enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

Ante, p. 17.

EQUITABLE DISTRIBUTION

29 USC 795g.

Sec. 163. Section 621 of the Act (as amended by section 162) is amended by adding at the end thereof the following new subsection:

"(f) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

29 USC 795i.

Sec. 164. Section 623 of the Act is amended by striking out "of this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621, $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

TECHNICAL AMENDMENT

29 USC 795a.

Sec. 165. Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

Part G—Services for Independent Living

EVALUATION

29 USC 796e.

Sec. 171. (A) Section 711(c) is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause:

"(3) contain a description of an evaluation plan which at the end of each year of a funding cycle shall reflect at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the extent to which individuals with varying handicapping conditions were served;

"(C) the types of services provided;

"(D) the sources of funding;

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"(E) the percentage of resources committed to each type of service provided;

"(F) how services provided contributed to the maintenance of or the increased independence of handicapped individuals assisted;

"(G) the extent to which handicapped individuals participate in management and decisionmaking in the center;

"(H) the extent of capacity building activities including collaboration with other agencies and organizations;

"(I) the extent of catalytic activities to promote community awareness, involvement, and assistance;

"(J) the extent of outreach efforts and the impact of such efforts; and

"(K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.".

29 USC 796e.

(b) Section 711 of the Act is amended by inserting at the end thereof the following new subsection:

Standards, development and publication.

"(e)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in subparagraph (c)(3) to assist each independent living center receiving funding under this title to review and evaluate the operation of its center.

Report to Congress.
29 USC 713.

"(2) The Commissioner shall, under the authority specified in section 14 of this Act, conduct a comprehensive evaluation of the Centers for Independent Living Grant Program, and submit a report no later than February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each grantee and for the support of new independent living centers. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation which are consistent with the standards required in paragraph (1).

"(3) In developing standards for evaluation to be used by the grantees, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from national organizations representing handicapped individuals and independent living programs; and from independent living centers, professionals serving handicapped individuals, and individuals, associations, and organizations engaged in research in independent living.

Approval of standards.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within ninety days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within the ninety days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(f) Grantees receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 are enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.".

Ante, p. 17.

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AUTHORIZATION OF APPROPRIATIONS

Sec. 172. (a)(1) Section 731 of the Act the second time it appears is redesignated as section 741.

29 USC 796i.

(2) The table of contents of the Act is amended by striking out "Sec. 731" after part E and inserting in lieu thereof "Sec. 741".

Supra.

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

29 USC 796.

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

29 USC 796e.

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for the fiscal year 1984, $22,000,000 for the fiscal year 1985, and $23,000,000 for the fiscal year 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

29 USC 796f.

"(c) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(4) Section 741 of the Act (as so redesignated) is amended by inserting after subsection (c)(1) (as amended by paragraph (3) of this subsection) the following:

29 USC 796g.

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

Helen Keller National Center Act.

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

29 USC 1901 note.

Sec. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

29 USC 1901.

Sec. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

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(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

AUTHORIZATION FOR THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

Repeal.
29 USC 1902.

Sec. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed.

Supra.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title.

(c) The purposes of the Center are to—

(1) provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual;

(2) train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals; and

(3) conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe. 29 USC 1903.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the Center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

Written report to President, House Clerk, and Senate Secretary.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated $4,000,000 for the fiscal year 1984, $4,200,000 for the fiscal year 1985, and $4,300,000 for the fiscal year 1986 to carry out the provisions of this title. Such sums shall remain available until expended. 29 USC 1904.

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(b) Any appropriation Act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the Center.

DEFINITIONS

SEC. 206. For purposes of this title— 29 USC 1905.

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means any individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

29 USC 1906. SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller National Center.".

29 USC 777. (b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

TITLE III—DEVELOPMENTAL DISABILITIES

ADMINISTRATIVE AMENDMENT

42 USC 6001. SEC. 301. Section 102(11) of the Developmental Disabilities Assistance and Bill of Rights Act (hereafter in this title referred to as "the Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

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PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

42 USC 6012. SEC. 302. The first sentence of section 113(b)(2) of the Act is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $8,400,000 for fiscal year 1984.".

UNIVERSITY AFFILIATED FACILITIES

42 USC 6033. SEC. 303. Section 123 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

42 USC 6061. SEC. 304. Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

42 USC 6081 SEC. 305. Section 145(d) of the Act is amended to read as follows:

"(d) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

Approved February 22, 1984.

LEGISLATIVE HISTORY—S. 1340 (H.R. 3520):

HOUSE REPORTS: No. 98-298 accompanying H.R. 3520 (Comm. on Education and Labor) and No. 98-595 (Comm. of Conference).
SENATE REPORT No. 98-168 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): July 26, considered and passed Senate.
Sept. 12, 13, H.R. 3520 considered and passed House; S. 1340, amended, passed in lieu.
Vol. 130 (1984): Feb. 9, Senate and House agreed to conference report.

Public Law 98-288
98th Congress

An Act

To extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes.

May 21, 1984
[S. 1129]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1984".

Domestic Volunteer Service Act Amendments of 1984.
42 USC 4951 note.

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 2. Section 101 of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended— 42 USC 4951.

(1) in the second sentence—

(A) by inserting "and alleviate" after "eliminate";

(B) by striking out "human, social, and environmental" after "poverty-related";

(C) by inserting ", all geographical areas," after "all walks of life"; and

(D) by inserting "low-income individuals," before "elderly"; and

(2) by adding at the end thereof the following new sentence: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage volunteer service at the local level to carry out the purposes set forth in this section.".

RECRUITMENT

SEC. 3. Section 102 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections: 42 USC 4952.

"(b) If any applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract may replace such applicant with another qualified applicant approved by the Director.

"(c) The Director shall ensure that not less than 20 per centum of all volunteers under this part are fifty-five years of age or older.".

ASSIGNMENT OF VOLUNTEERS

SEC. 4. (a) Section 103(a) of the Act is amended— 42 USC 4953.

(1) in the matter preceding clause (1)—

(A) by inserting "in the local communities in which the volunteers were recruited" after "States"; and

(B) by inserting ", including work" after "programs"; and

(2) by striking out in paragraph (2) ", under the supervision of nonprofit institutions or facilities, and" and inserting in lieu thereof a semicolon;

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(3) by striking out in clause (3) "the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)" and inserting in lieu thereof "the Community Service Block Grant Act, titles VIII and X of the Economic Opportunity Act of 1964, the Headstart Act, or the Community Economic Development Act of 1981,"; and

42 USC 9901 note.
42 USC 2991, 2996.
42 USC 9801 note.
42 USC 9801 note.

(4) by redesignating clause (3) as clause (5) and by inserting immediately after clause (2) the following new clauses:

"(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate or functionally illiterate youth and other individuals, and low-income youths;

"(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part; and".

42 USC 4953.

(b) Section 103(b) of the Act is amended by striking out all that follows the first sentence and inserting in lieu thereof "The Director shall make efforts to assign volunteers to serve in their home communities or in nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program.".

(c)(1) Section 103 of the Act is further amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (b) the following new subsections:

Employment and unemployment.

"(c) The Director shall provide each low-income community volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council under the Job Training Partnership Act.

29 USC 1501 note.

"(d) The Director may provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part to (1) encourage them to use, in the national interest, the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (2) promote the development of appropriate opportunities for the use of such skills and experience, and the placement therein of such volunteers.".

42 USC 5042.

(2) Section 402 of the Act is amended by—

(A) striking out all of clause (13); and

(B) redesignating clauses (14) and (15) as clauses (13) and (14), respectively.

42 USC 4953.

(d) The first sentence of section 103(f) (as redesignated by subsection (c) of this section) is amended by striking out "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "work in a program or project in any community unless the application for such program or project contains evidence of local support and".

TERMS AND PERIODS OF SERVICE

42 USC 4954.

SEC. 5. Section 104(a) is amended—

(1) by striking out "human, social, and environmental" in the first sentence; and

(2) by striking out "this" the first place it appears in the second sentence and inserting in lieu thereof "the requirement for full-time commitment".

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SUPPORT SERVICES

42 USC 4955.

SEC. 6. Section 105(b) of the Act is amended by inserting "preservice training and where appropriate in-service training," after "supervision,".

PARTICIPATION OF BENEFICIARIES

42 USC 4956.

SEC. 7. Section 106 of the Act is amended by striking out "take all necessary steps to establish, in regulations he shall prescribe" and insert in lieu thereof "establish in regulations".

REPEAL OF LIMITATIONS

42 USC 4958.

SEC. 8. Section 108 of the Act is amended—

(1) by striking out in the first sentence of subsection (a) "1977" and inserting in lieu thereof "1984";

(2) by striking out all of the second sentence of subsection (a); and

(3) in subsection (b)(2) by striking out "human, social, or environmental".

SERVICE LEARNING PROGRAMS; STATEMENT OF PURPOSE

Students.
42 USC 4971.

SEC. 9. Section 111 of the Act is amended—

(1) by inserting immediately before the first sentence of such section the following new sentence: "The purpose of this part is to assist students, through service-learning programs, to undertake volunteer service in such a way as to enhance the educational value of the service experience, through participation in activities that strengthen and supplement efforts to eliminate and alleviate poverty and poverty-related problems."; and

(2) by striking out "encourage other students" in the third sentence and all that follows through the end of such subsection and inserting in lieu thereof "provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise.".

SPECIAL SERVICE LEARNING PROGRAMS

Grants.
Students.
42 USC 4974.

SEC. 10. Section 114(a) of the Act is amended to read as follows:

"SEC. 114. (a) The Director is authorized to make grants and contracts for technical assistance, training, and projects which encourage and enable students in secondary, secondary vocational, and postsecondary schools to participate in service-learning programs on an in-school or out-of-school basis in assignments of a character and on such terms and conditions as are described in subsections (a) and (e) of section 103. Any project assisted under this part shall meet the anti-poverty criteria of section 111 and contain an educational and service component.".

42 USC 4953.
42 USC 4971.

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

42 USC 4991.

SEC. 11. Section 121 of the Act is amended—

(1) by striking out "human, social, and environmental"; and

(2) by adding at the end thereof the following new sentence: "It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the national, State, and local level.".

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AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

Grants.
Contracts with U.S.
42 USC 4992.

SEC. 12. Section 122 of the Act is amended by inserting at the end thereof the following new subsection (d):

"(d)(1) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and the equitable geographic distribution of programs.

"(2) No grant or contract exceeding $50,000 shall be made under this part unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

"(3) Multiple grants or contracts to the same grantee or contractor within any one year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contracts.".

TECHNICAL AND FINANCIAL ASSISTANCE

42 USC 4993.

SEC. 13. Section 123 of the Act is amended by striking out "or (2)" and inserting in lieu thereof "(2) technical assistance and training programs, including the creation or expansion of private capabilities where possible and the development of voluntary organizations, with particular emphasis on low-income, minority, and community-based groups, or (3)".

GENERAL AMENDMENTS REGARDING PROGRAMS

SEC. 14. (a) Section 201(a) of the Act (42 U.S.C. 5001(a)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Director".

(b) Section 201(b) of the Act (42 U.S.C. 5001(b)) is amended by striking out "30 per centum" and all that follows through "years", and inserting in lieu thereof "and 30 per centum in any subsequent such years".

Foster grandparent.

(c) Section 211 of the Act (42 U.S.C. 5011) is amended—

(1) in subsection (a) by striking out "he" each place it appears and inserting in lieu thereof "the Director";

(2) in subsection (b)(2) by adding at the end thereof "If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.";

(3) in subsection (d)—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Director"; and

(B) by striking out "$2" each place its appears and inserting in lieu thereof "$2.20"; and

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(4) by amending subsection (e) to read as follows:

Disadvantaged persons.

"(e) For purposes of this part, the terms 'low-income person' and 'person of low income' mean—

"(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

"(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.".

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

42 USC 5013.

SEC. 15. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

Grants. Contracts with U.S.

"(c)(1) The Director is authorized to make grants or contracts for senior companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings.

"(2)(A) The Director is authorized to recruit, subject to subparagraph (B), senior companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train senior companion volunteers to participate in and monitor initial and continuing needs assessments and appropriate in-home services for senior companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use senior companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer senior companion volunteers in performing their assignments and in coordinating activities of such volunteers.

"(B) Senior companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

"(3) The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on— Report.

"(A) the extent to which costs of providing long-term care are reduced by using senior companion volunteers who receive stipends in the provision of long-term care services;

"(B) the effectiveness of the provision of long-term care with the use of volunteers;

"(C) the extent to which health care needs and health related costs of the senior companion volunteers themselves are affected because of their involvement in the project;

"(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

"(E) the effectiveness of using senior companion volunteer leaders and of involving senior companion volunteers based on the training of the volunteer leaders and volunteers.".

OLDER AMERICAN VOLUNTEER PROGRAMS; LOCALLY GENERATED CONTRIBUTIONS

SEC. 16. (a) Part C of title II of the Act is amended by adding at the end thereof the following new section:

"USE OF LOCALLY GENERATED CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

"SEC. 224. Whenever locally generated contributions made to volunteer programs for older Americans under this title are in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from locally-generated contributions are not inconsistent with the provisions of this Act.". 42 USC 5024.

(b) The table of contents of part C of title II of the Act is amended by inserting after item "Sec. 223." the following new item:

"Sec. 224. Use of locally generated contributions in older American volunteer programs.".

ESTABLISHMENT OF AGENCIES

SEC. 17. Section 401 of the Act is amended— 42 USC 5041.

(1) by inserting before the period at the end of the first sentence the following: "in order to provide a focal point for volunteerism at the national, State, and local level"; and

(2) by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level 5 of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency two Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act.". 42 USC 4951. 42 USC 5001.

AUTHORITY OF THE DIRECTOR

42 USC 5042. SEC. 18. (a) Section 402(1) of the Act is amended by inserting immediately before the semicolon at the end thereof the following: "except that the number of schedule C employees, individuals employed on a temporary basis at GS–8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency".

Effective date. 42 USC 5042 note. (b) The amendment made by subsection (a) shall take effect one year after the date of the enactment of this Act.

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SPECIAL LIMITATIONS

42 USC 5044. SEC. 19. Section 404(f) of the Act is amended—

(1) by striking out "and except as provided in the second sentence of this subsection" in the first sentence; and

(2) by striking out the second sentence.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

42 USC 5045. SEC. 20. (a) Effective January 1, 1986, section 405 of the Act is repealed.

(b) Effective January 1, 1986, the item relating to section 405 in the table of contents is repealed.

REPORTS

42 USC 5047. SEC. 21. Section 407 of the Act is amended by inserting at the end thereof the following new sentence: "Such report shall reflect the findings and actions taken as a result of any evaluation conducted pursuant to section 416.". 42 USC 5056.

CHANGES IN NOTICE AND HEARING PROCEDURES

42 USC 5052. SEC. 22. Section 412 of the Act is amended—

(1) by inserting "(a)" after "412.";

(2) by striking out in paragraph (1) ", nor shall an" and all that follows to the end of such paragraph and inserting in lieu thereof a semicolon;

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

"(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and"; and

(5) inserting at the end thereof the following new subsection:

"(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.".

EVALUATION

42 USC 5056. SEC. 23. Section 416(a) of the Act is amended—

(1) by striking out "periodically" and inserting in lieu thereof "biennially"; and

(2) in the second sentence by striking out "or project evaluated." and inserting in lieu thereof "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.". 42 USC 5054.

ELIGIBILITY FOR OTHER PROJECTS

SEC. 24. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

42 USC 5058.

LEGAL EXPENSES

SEC. 25. Section 419 of the Act is amended by striking out "or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))".

42 USC 5059.

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 26. Section 420 of the Act is amended—

42 USC 5060.

(1) by striking out in subsection (c)(1) "Except as provided in paragraph (2)(B) of this subsection, no" and inserting in lieu thereof "No";

(2) in subsection (c)(2)(A) by striking out "(A)" after "(2)";

(3) by striking out paragraph (B) of subsection (c)(2); and

(4) in subsection (d)—

(A) by striking out in the second sentence "Except as is provided in the following sentence, no" and inserting in lieu thereof "No"; and

(B) by striking out the third sentence.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 27. (a) Section 501 of the Act is amended to read as follows:

42 USC 5081.

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

"SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $17,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $25,000,000 for fiscal year 1986.

42 USC 4951.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

42 USC 4971.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

42 USC 4991.

"(d)(1) Of the amounts appropriated under this section for parts A, B, and C of title I, there shall first be available for part A of title I an amount not less than the amount necessary to provide—

"(A) 2,000 years of volunteer service in fiscal year 1984;

"(B) 2,200 years of volunteer service in fiscal year 1985; and

"(C) 2,400 years of volunteer service in fiscal year 1986.

"(2) For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A of title I.

42 USC 4951.

"(3) The requirement of paragraph (1)(A) shall not apply unless there is appropriated for title I for fiscal year 1984 an amount in addition to amounts available under Public Law 98-151.

97 Stat. 964.

"(e) No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

42 USC 4971, 4991, 5001.

42 USC 4951.

(b) The item related to section 501 in the table of contents of the Act is amended by inserting "authorization" after "programs".

98 STAT. 197

AMENDMENTS AUTHORIZING APPROPRIATIONS

SEC. 28. (a) Section 502(a) of the Act (42 U.S.C. 5082(a)) is amended—

(1) by striking out "$28,691,000 for fiscal year 1982 and"; and

(2) by inserting "$29,700,000 for fiscal year 1984, $30,400,000 for fiscal year 1985, and $31,100,000 for fiscal year 1986" after "1983,".

(b) Section 502(b) of the Act (42 U.S.C. 5082(b)) is amended—

(1) by striking out "$49,670,000 for fiscal year 1982 and"; and

(2) by inserting "$54,300,000 for fiscal year 1984, $56,700,000 for fiscal year 1985, and $58,700,000 for fiscal year 1986" after "1983,".

(c) Section 502(c) of the Act (42 U.S.C. 5082(c)) is amended—

(1) by striking out "$16,610,000 for fiscal year 1982 and"; and

(2) by inserting "$27,800,000 for fiscal year 1984, $28,200,000 for fiscal year 1985, and $28,600,000 for fiscal year 1986" after "1983,".

ADMINISTRATION AND COORDINATION

42 USC 5084. SEC. 29. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,800,000 for fiscal year 1984, $27,000,000 for fiscal year 1985, and $28,000,000 for fiscal year 1986.". 42 USC 5041.

TECHNICAL AMENDMENTS

42 USC 5057. SEC. 30. (a) Section 417(c)(1) of the Act is amended by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)".

42 USC 4972. (b)(1) Section 112 of the Act is amended by striking out "103(d)" and inserting in lieu thereof "103(f)".

42 USC 4992. (2) Section 122(c)(2)(B) of the Act is amended by striking out "103(d)" and inserting in lieu thereof "103(f)".

AMENDMENTS TO OTHER LAWS

SEC. 31. (a) Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is amended—

(1) by striking out "established by the Director of the Office of Management and Budget" and inserting in lieu thereof "defined by the Office of Management and Budget based on Bureau of the Census data"; and 98 STAT. 198

(2) by inserting "For All Urban Consumers" after "Consumer Price Index".

(b) Section 683(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9912(c)(1)) is amended by striking out "section 624" and inserting in lieu thereof "section 624 or 625".

Approved May 21, 1984.

LEGISLATIVE HISTORY—S. 1129 (H.R. 2655):

HOUSE REPORTS: No. 98-161 accompanying H.R. 2655 (Comm. on Education and Labor) and No. 98-679 (Comm. of Conference).
SENATE REPORT No. 98-182 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Sept. 14, considered and passed Senate.
Oct. 17, 28, H.R. 2655 considered and passed House; S. 1129, amended, passed in lieu.
Vol. 130 (1984): Apr. 11, Senate agreed to conference report.
May 8, House agreed to conference report.

Public Law 98-378
98th Congress

98 STAT. 1305

An Act

To amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.

Aug. 16, 1984
[H.R. 4325]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Child Support Enforcement Amendments of 1984.
42 USC 1305 note.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Child Support Enforcement Amendments of 1984".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Purpose of the program.
Sec. 3. Improved child support enforcement through required State laws and procedures.
Sec. 4. Federal matching of administrative costs.
Sec. 5. Federal incentive payments.
Sec. 6. 90-percent matching for automated management systems used in income withholding and other required procedures.
Sec. 7. Continuation of support enforcement for AFDC recipients whose benefits are being terminated.
Sec. 8. Special project grants to promote improvements in interstate enforcement.
Sec. 9. Periodic review of effectiveness of State programs; modification of penalty.
Sec. 10. Extension of section 1115 demonstration authority to child support enforcement program.
Sec. 11. Child support enforcement for certain children in foster care.
Sec. 12. Enforcement with respect to both child and spousal support.
Sec. 13. Modifications in content of annual report of the Secretary.
Sec. 14. Requirement that availability of child support enforcement services be publicized.
Sec. 15. State Commissions on child support.
Sec. 16. Inclusion of medical support in child support orders.
Sec. 17. Increased availability of Federal parent locator service to State agencies.
Sec. 18. State guidelines for child support awards.
Sec. 19. Availability of social security numbers for child support enforcement purposes.
Sec. 20. Extension of eligibility under title XIX when support collection results in termination of AFDC eligibility.
Sec. 21. Collection of past-due support from Federal tax refunds.
Sec. 22. Wisconsin child support initiative.
Sec. 23. Sense of the Congress that State and local governments should focus on the problems of child custody, child support, and related domestic issues.

PURPOSE OF THE PROGRAM

42 USC 651.

SEC. 2. Section 451 of the Social Security Act is amended by striking out "and obtaining child and spousal support," and inserting in lieu thereof "obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested,".

98 STAT. 1306
42 USC 601.

IMPROVED CHILD SUPPORT ENFORCEMENT THROUGH REQUIRED STATE LAWS AND PROCEDURES

42 USC 654.

SEC. 3. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (19) the following new paragraph:

"(20) provide, to the extent required by section 466, that the

State (A) shall have in effect all of the laws to improve child support enforcement effectiveness which are referred to in that section, and (B) shall implement the procedures which are prescribed in or pursuant to such laws.".

(b) Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

"REQUIREMENT OF STATUTORILY PRESCRIBED PROCEDURES TO IMPROVE EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT

42 USC 666.
Supra.

"SEC. 466. (a) In order to satisfy section 454(20)(A), each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

"(1) Procedures described in subsection (b) for the withholding from income of amounts payable as support.

"(2) Procedures under which expedited processes (determined in accordance with regulations of the Secretary) are in effect under the State judicial system or under State administrative processes (A) for obtaining and enforcing support orders, and (B) at the option of the State, for establishing paternity. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement within the political subdivision (in accordance with the general rule for exemptions under subsection (d)).

"(3) Procedures under which the State child support enforcement agency shall request, and the State shall provide, that for the purpose of enforcing a support order under any State plan approved under this part—

"(A) any refund of State income tax which would otherwise be payable to an absent parent will be reduced, after notice has been sent to that absent parent of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any overdue support owed by such absent parent;

Ante, p. 1145.
Post, p. 1317.

42 USC 602.
Post, p. 1318.

Post, pp. 1310, 1319, 1324.
42 USC 654.

"(B) the amount by which such refund is reduced shall be distributed in accordance with section 457 (b)(4) or (d)(3) in the case of overdue support assigned to a State pursuant to section 402(a)(26) or 471(a)(17), or, in the case of overdue support which a State has agreed to collect under section 454(6), shall be distributed, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed; and

98 STAT. 1307

"(C) notice of the absent parent's social security account number (or numbers, if he has more than one such number) and home address shall be furnished to the State agency requesting the refund offset, and to the State agency enforcing the order.

"(4) Procedures under which liens are imposed against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State.

"(5) Procedures which permit the establishment of the paternity of any child at any time prior to such child's eighteenth birthday.

"(6) Procedures which require that an absent parent give security, post a bond, or give some other guarantee to secure payment of overdue support, after notice has been sent to such absent parent of the proposed action and of the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State).

"(7) Procedures by which information regarding the amount of overdue support owed by an absent parent residing in the State will be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15

U.S.C. 1681a(f))) upon the request of such agency; except that (A) if the amount of the overdue support involved in any case is less than $1,000, information regarding such amount shall be made available only at the option of the State, (B) any information with respect to an absent parent shall be made available under such procedures only after notice has been sent to such absent parent of the proposed action, and such absent parent has been given a reasonable opportunity to contest the accuracy of such information (and after full compliance with all procedural due process requirements of the State), and (C) a fee for furnishing such information, in an amount not exceeding the actual cost thereof, may be imposed on the requesting agency by the State.

"(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing application for services under this part.

Ante, p. 1306.

Notwithstanding section 454(20)(B), the procedures which are required under paragraphs (3), (4), (6), and (7) need not be used or applied in cases where the State determines (using guidelines which are generally available within the State and which take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part or would be otherwise inappropriate in the circumstances.

Withholding of income.

"(b) The procedures referred to in subsection (a)(1) (relating to the withholding from income of amounts payable as support) must provide for the following:

"(1) In the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of such parent's wages (as defined by the State for purposes of this section) must be withheld, in accordance with the succeeding provisions of this

98 STAT. 1308

subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

42 USC 503.

"(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for aid under part A) with respect to whom services are already being provided under the State plan under this part, and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part) by the court or other entity which issued such order.

42 USC 601.

"(3) An absent parent shall become subject to such withholding, and the advance notice required under paragraph (4) shall be given, on the earliest of—

"(A) the date on which the payments which the absent parent has failed to make under such order are at least equal to the support payable for one month,

"(B) the date as of which the absent parent requests that such withholding begin, or

"(C) such earlier date as the State may select.

"(4)(A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and (subject to subparagraph (B)) the State must send advance notice to each absent parent to whom paragraph (1) applies regarding the proposed withholding and the procedures such absent parent should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact. If the absent parent contests such withholding on those grounds, the State shall determine whether such withholding will actually occur, shall (within no more than 45 days after the provision of such advance notice) inform such parent of whether or not withholding will occur and (if so) of the date on which it is to begin, and shall furnish such parent with the information contained in any notice given to the employer under paragraph (6)(A) with respect to such withholding.

"(B) The requirement of advance notice set forth in the first sentence of subparagraph (A) shall not apply in the case of any State which has a system of income withholding for child support purposes in effect on the date of the enactment of this section if such system provides on that date, and continues to provide, such procedures as may be necessary to meet the procedural due process requirements of State law.

98 STAT. 1309

42 USC 657.

"(5) Such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457 under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

"(6)(A)(i) The employer of any absent parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such absent parent's wages the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (5)) for distribution in accordance with section 457.

"(ii) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

"(C) The employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

"(D) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer.

"(7) Support collection under this subsection must be given priority over any other legal process under State law against the same wages.

"(8) The State may take such actions as may be necessary to extend its system of withholding under this subsection so that such system will include withholding from forms of income other than wages, in order to assure that child support owed by absent parents in the State will be collected without regard to the types of such absent parents' income or the nature of their income-producing activities.

"(9) The State must extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by absent parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

"(10) Provision must be made for terminating withholding.

Optional payment procedure.

42 USC 654.

"(c) Any State may at its option, under its plan approved under section 454, establish procedures under which support payments under this part will be made through the State agency or other entity which administers the State's income withholding system in any case where either the absent parent or the custodial parent requests it, even though no arrearages in child support payments are involved and no income withholding procedures have been instituted; but in any such case an annual fee for handling and processing such payments, in an amount not exceeding the actual costs incurred by the State in connection therewith or $25, whichever is less, shall be imposed on the requesting parent by the State.

Exemption.

"(d) If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures required by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State, subject to the Secretary's continuing review and to termination of the exemption should circumstances change, from the requirement to enact the law or use the procedure or procedures involved.

"(e) For purposes of this section, the term 'overdue support' means the amount of a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child which is owed to or on behalf of such child, or for support and maintenance of the absent parent's spouse (or former spouse) with whom the child is living if and to the extent that spousal support (with respect to such spouse or former spouse) would be included for purposes of paragraph (4) or (6) of section 454. At the option of the State, overdue support may include amounts which otherwise meet the definition in the first sentence of this subsection but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children who are not minors shall apply independently to each procedure specified under this section.".

(c) Section 454(6)(B) of such Act is amended to read as follows: "(B) an application fee for furnishing such services shall be imposed, which shall be paid by the individual applying for such services, or recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and shall be considered income to the program), the amount of which (i) will not exceed $25 (or such higher or lower amount (which shall be uniform for all States) as the Secretary may determine to be

appropriate for any fiscal year to reflect increases or decreases in administrative costs), and (ii) may vary among such individuals on the basis of ability to pay (as determined by the State), and".

Ante, p. 1306. (d) Section 454 of such Act (as amended by subsection (a) of this section) is further amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (20) the following new paragraph:

Ante, p. 1306. "(21)(A) at the option of the State, impose a late payment fee on all overdue support (as defined in section 466(e)) under any obligation being enforced under this part, in an amount equal to a uniform percentage determined by the State (not less than 3 percent nor more than 6 percent) of the overdue support, which shall be payable by the absent parent owing the overdue support; and

"(B) assure that the fee will be collected in addition to, and only after full payment of, the overdue support, and that the imposition of the late payment fee shall not directly or indirectly result in a decrease in the amount of the support which is paid to the child (or spouse) to whom, or on whose behalf, it is owed.".

42 USC 654. (e) Section 454(5) of such Act is amended by inserting after "directly to the family" the following: ", and the individual will be notified at least annually of the amount of the support payments collected;".

Supra. (f) Section 454 of such Act is further amended by adding at the end thereof (after and below paragraph (21) (as added by subsection (d) of this section)) the following new sentence:

Ante, p. 1310. "The State may allow the jurisdiction which makes the collection involved to retain any application fee under paragraph (6)(B) or any late payment fee under paragraph (21).".

Effective dates.
42 USC 654 note. (g)(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall become effective on October 1, 1985.

Supra.
Ante, p. 1306. (2) Section 454(21) of the Social Security Act (as added by subsection (d) of this section), and section 466(e) of such Act (as added by subsection (b) of this section), shall be effective with respect to support owed for any month beginning after the date of the enactment of this Act.

42 USC 651. (3) In the case of a State with respect to which the Secretary of Health and Human Services has determined that State legislation is required in order to conform the State plan approved under part D of title IV of the Social Security Act to the requirements imposed by any amendment made by this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely by reason of its failure to meet the requirements imposed by such amendment prior to the beginning of the fourth month beginning after the end of the first session of the State legislature which ends on or after October 1, 1985. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

FEDERAL MATCHING OF ADMINISTRATIVE COSTS

42 USC 655. SEC. 4. (a) Section 455(a) of the Social Security Act is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out ", beginning with the quarter commencing July 1, 1975,"; 98 STAT. 1312

(3) by striking out paragraph (2) and redesignating paragraphs (1) and (3) as subparagraphs (A) and (B), respectively;

(4) by amending paragraph (1)(A) as so redesignated to read as follows:

"(A) equal to the percent specified in paragraph (2) of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454, and";

(5) in paragraph (1)(B) as so redesignated, by striking out "specified in clause (1) or (2)" and inserting in lieu thereof "specified in subparagraph (A)"; and

(6) by adding at the end thereof the following new paragraph:

"(2) The percent applicable to quarters in a fiscal year for purposes of paragraph (1)(A) is—

"(A) 70 percent for fiscal years 1984, 1985, 1986, and 1987,

"(B) 68 percent for fiscal years 1988 and 1989, and

"(C) 66 percent for fiscal year 1990 and each fiscal year thereafter.".

(b) Subsections (d)(1)(B), (d)(2)(A), (d)(2)(B), and (e) of section 452 of such Act are each amended by striking out "455(a)(3)" and inserting in lieu thereof "455(a)(1)(B)". 42 USC 652.

(c) The amendments made by this section shall apply to fiscal years after fiscal year 1983. Effective date. 42 USC 652 note.

FEDERAL INCENTIVE PAYMENTS

Sec. 5. (a) Section 458 of the Social Security Act is amended to read as follows: 42 USC 658.

"INCENTIVE PAYMENTS TO STATES

"Sec. 458. (a) In order to encourage and reward State child support enforcement programs which perform in a cost-effective and efficient manner to secure support for all children who have sought assistance in securing support, whether such children reside within the State or elsewhere and whether or not they are eligible for aid to families with dependent children under a State plan approved under part A of this title, and regardless of the economic circumstances of their parents, the Secretary shall, from support collected which would otherwise represent the Federal share of assistance to families of absent parents, pay to each State for each fiscal year, on a quarterly basis (as described in subsection (e)) beginning with the quarter commencing October 1, 1985, an incentive payment in an amount determined under subsection (b).

"(b)(1) Except as provided in paragraphs (2), (3), and (4), the incentive payment shall be equal to—

"(A) 6 percent of the total amount of support collected under the plan during the fiscal year in cases in which the support obligation involved is assigned to the State pursuant to section 402(a)(26) or section 471(a)(17) (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'AFDC collections' for that year), plus 42 USC 602. *Post*, p. 1318.

"(B) 6 percent of the total amount of support collected during the fiscal year in all other cases under this part (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'non-AFDC collections' for that year). 98 STAT. 1313

"(2) If subsection (c) applies with respect to a State's AFDC collections or non-AFDC collections for any fiscal year, the percent specified in paragraph (1) (A) or (B) (with respect to such collections) shall be increased to the higher percent determined under such subsection (with respect to such collections) in determining the State's incentive payment under this subsection for that year.

"(3) The dollar amount of the portion of the State's incentive payment for any fiscal year which is determined on the basis of its non-AFDC collections under paragraph (1)(B) (after adjustment under subsection (c) if applicable) shall in no case exceed—

"(A) the dollar amount of the portion of such payment which is determined on the basis of its AFDC collections under paragraph (1)(A) (after adjustment under subsection (c) if applicable) in the case of fiscal year 1986 or 1987;

"(B) 105 percent of such dollar amount in the case of fiscal year 1988;

"(C) 110 percent of such dollar amount in the case of fiscal year 1989; or

"(D) 115 percent of such dollar amount in the case of fiscal year 1990 or any fiscal year thereafter.

"(4) The Secretary shall make such additional payments to the State under this part, for fiscal year 1986 or 1987, as may be necessary to assure that the total amount of payments under this section and section 455(a)(1)(A) for such fiscal year is no less than 80 percent of the amount that would have been payable to that State and its political subdivisions for such fiscal year under this section and section 455(a)(1)(A) if those sections (including the amendment made by section 5(c)(2)(A) of the Child Support Enforcement Amendments of 1984) had remained in effect as they were in effect for fiscal year 1985.

Ante, p. 1311.

Ante, p. 1312.

"(c) If the total amount of a State's AFDC collections or non-AFDC collections for any fiscal year bears a ratio to the total amount expended by the State in that year for the operation of its plan approved under section 454 for which payment may be made under section 455 (with the total amount so expended in any fiscal year being hereafter referred to in this section as the State's 'combined AFDC/non-AFDC administrative costs' for that year) which is equal to or greater than 1.4, the relevant percent specified in subparagraph (A) or (B) of subsection (b)(1) (with respect to such collections) shall be increased to—

42 USC 654.
42 USC 655.

"(1) 6.5 percent, plus

"(2) one-half of 1 percent for each full two-tenths by which such ratio exceeds 1.4;

except that the percent so specified shall in no event be increased (for either AFDC collections or non-AFDC collections) to more than 10 percent. For purposes of the preceding sentence, laboratory costs incurred in determining paternity in any fiscal year may at the option of the State be excluded from the State's combined AFDC/non-AFDC administrative costs for that year.

"(d) In computing incentive payments under this section, support which is collected by one State on behalf of individuals residing in another State shall be treated as having been collected in full by each such State.

"(e) The amounts of the incentive payments to be made to the various States under this section for any fiscal year shall be estimated by the Secretary at or before the beginning of such year on the basis of the best information available. The Secretary shall make such payments for such year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section shall be deemed obligated.".

98 STAT. 1314

(b) Section 454 of such Act (as amended by subsections (a), (d), and (f) of section 3 of this Act) is amended—

Ante, p. 1306.

(1) by striking out "and" at the end of paragraph (20);

(2) by striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (21) the following new paragraph:

"(22) in order for the State to be eligible to receive any incentive payments under section 458, provide that, if one or more political subdivisions of the State participate in the costs of carrying out activities under the State plan during any period, each such subdivision shall be entitled to receive an appropriate share (as determined by the State) of any such incentive payments made to the State for such period, taking into account the efficiency and effectiveness of the activities carried out under the State plan by such political subdivision.".

(c)(1) The amendments made by the preceding provisions of this section shall become effective on October 1, 1985.

Effective dates.
42 USC 658 note.

(2)(A) Effective until September 30, 1985, section 458(a) of the Social Security Act is amended by striking out "distributed as provided in section 457 to reduce or repay assistance payments" and inserting in lieu thereof "distributed as provided in paragraphs (1), (2), and (4)(A) of section 457(b)".

Ante, p. 1312.

(B) The reference to provisions of section 457(b) of the Social Security Act in the amendment made by subparagraph (A) of this paragraph is a reference to such provisions as in effect after the effective date of section 2640(b) of the Deficit Reduction Act of 1984.

Ante, p. 1145.
42 USC 658 note.
Ante, p. 1145.

90-PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

SEC. 6. (a) Section 454(16) of the Social Security Act is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) to facilitate the development and improvement of the income withholding and other procedures required under section 466(a) through the monitoring of support payments, the maintenance of accurate records regarding the payment of support, and the prompt provision of notice to appropriate officials with respect to any arrearages in support payments which may occur, and (E)".

42 USC 654.

(b) Section 455(a)(1)(B) of such Act (as redesignated by section 4(a) of this Act) is amended—

Ante, p. 1311.

(1) by inserting after "automatic data processing and information retrieval system" the following: "(including in such sums the full cost of the hardware components of such system)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or meets such requirements without regard to clause (D) thereof".

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(c) The amendments made by this section shall apply with respect to quarters beginning on or after October 1, 1984.

Effective date.
42 USC 654 note.

CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

SEC. 7. (a) Section 457(c) of the Social Security Act is amended—

42 USC 657.

(1) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall"; and

(2) by striking out "the net amount of" in paragraph (2), and by striking out "to the family" and all that follows in such paragraph and inserting in lieu thereof "to the family (without requiring any formal reapplication and without the imposition of any application fee) on the same basis as in the case of other individuals who are not receiving assistance under part A of this title,".

42 USC 601.

(b) The amendments made by subsection (a) shall become effective October 1, 1984.

Effective date.
42 USC 657 note.

SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

SEC. 8. Section 455 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 655.

"(e)(1) In order to encourage and promote the development and use of more effective methods of enforcing support obligations under this part in cases where either the children on whose behalf the support is sought or their absent parents do not reside in the State where such cases are filed, the Secretary is authorized to make grants, in such amounts and on such terms and conditions as the Secretary determines to be appropriate, to States which propose to undertake new or innovative methods of support collection in such cases and which will use the proceeds of such grants to carry out special projects designed to demonstrate and test such methods.

"(2) A grant under this subsection shall be made only upon a finding by the Secretary that the project involved is likely to be of significant assistance in carrying out the purpose of this subsection; and with respect to such project the Secretary may waive any of the requirements of this part which would otherwise be applicable, to such extent and for such period as the Secretary determines is necessary or desirable in order to enable the State to carry out the project.

Reports.

"(3) At the time of its application for a grant under this subsection the State shall submit to the Secretary a statement describing in reasonable detail the project for which the proceeds of the grant are to be used, and the State shall from time to time thereafter submit to the Secretary such reports with respect to the project as the Secretary may specify.

Ante, p. 1312.
42 USC 654.

"(4) Amounts expended by a State in carrying out a special project assisted under this section shall be considered, for purposes of section 458(b) (as amended by section 5(a) of the Child Support Enforcement Amendments of 1984), to have been expended for the operation of the State's plan approved under section 454.

Appropriation authorization.

"(5) There is authorized to be appropriated the sum of $7,000,000 for fiscal year 1985, $12,000,000 for fiscal year 1986, and $15,000,000 for each fiscal year thereafter, to be used by the Secretary in making grants under this subsection.".

98 STAT. 1316

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

42 USC 652.

SEC. 9. (a)(1) Section 452(a)(4) of the Social Security Act is amended by striking out "not less often than annually" and inserting in lieu thereof "not less often than once every three years (or not less often than annually in the case of any State to which a reduction is being applied under section 403(h)(1), or which is operating under a corrective action plan in accordance with section 403(h)(2))".

Infra.

42 USC 602.

(2) Section 402(a)(27) of such Act is amended by striking out "operate a child support program in conformity with such plan" and inserting in lieu thereof "operates a child support program in substantial compliance with such plan".

42 USC 603.

(b) Section 403(h) of such Act is amended to read as follows:

42 USC 651.
Supra.

"(h)(1) Notwithstanding any other provision of this Act, if a State's program operated under part D is found as a result of a review conducted under section 452(a)(4) not to have complied substantially with the requirements of such part for any quarter beginning after September 30, 1983, and the Secretary determines that the State's program is not complying substantially with such requirements at the time such finding is made, the amounts otherwise payable to the State under this part for such quarter and each subsequent quarter, prior to the first quarter throughout which the State program is found to be in substantial compliance with such requirements, shall be reduced (subject to paragraph (2)) by—

"(A) not less than one nor more than two percent, or

"(B) not less than two nor more than three percent, if the finding is the second consecutive such finding made as a result of such a review, or

"(C) not less than three nor more than five percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review.

"(2)(A) The reductions required under paragraph (1) shall be suspended for any quarter if—

"(i) the State submits a corrective action plan, within a period prescribed by the Secretary following notice of the finding under paragraph (1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate,

"(ii) the Secretary approves such corrective action plan (and any amendments thereto) as being sufficient to achieve substantial compliance, and

"(iii) the Secretary finds that the corrective action plan (and any amendment thereto approved by the Secretary under clause (ii)), is being fully implemented by the State and that the State is progressing in accordance with the timetable contained in the plan to achieve substantial compliance with such requirements.

"(B) A suspension of the penalty under subparagraph (A) shall continue until such time as the Secretary determines that—

"(i) the State has achieved substantial compliance,

"(ii) the State is no longer implementing its corrective action plan, or

"(iii) the State is implementing or has implemented its corrective action plan but has failed to achieve substantial compliance within the appropriate time period (as specified in subparagraph (A)(i)).

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"(C)(i) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(i), the penalty shall not be applied.

"(ii) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(ii), the penalty shall be applied as if the suspension had not occurred.

"(iii) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(iii), the penalty shall be applied to all quarters ending after the expiration of the time period specified in such subparagraph (and prior to the first quarter throughout which the State program is found to be in substantial compliance).

"(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is not in full compliance with the requirements of this part shall be determined to be in substantial compliance with such requirements only if the Secretary determines that any noncompliance with such requirements is of a technical nature which does not adversely affect the performance of the child support enforcement program.".

Ante, p. 1316.
Ante, p. 1316.

(c) The amendments made by this section shall be effective on and after October 1, 1983.

Effective date.
42 USC 602 note.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

SEC. 10. (a) Section 1115(a) of the Social Security Act is amended— 42 USC 1315.

(1) by striking out "part A" in the matter preceding paragraph (1) and inserting in lieu thereof "part A or D";

(2) by striking out "402," in paragraph (1) and inserting in lieu thereof "402, 454,"; and

(3) by striking out "403," in paragraph (2) and inserting in lieu thereof "403, 455,".

(b) Section 1115 of such Act is further amended by adding at the end thereof the following new subsection: 42 USC 1315.

"(c) In the case of any experimental, pilot, or demonstration project undertaken under subsection (a) to assist in promoting the objectives of part D of title IV, the project— 42 USC 651.

"(1) must be designed to improve the financial well-being of children or otherwise improve the operation of the child support program;

"(2) may not permit modifications in the child support program which would have the effect of disadvantaging children in need of support; and

"(3) must not result in increased cost to the Federal Government under the program of aid to families with dependent children.".

CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

42 USC 657.

SEC. 11. (a)(1) Section 457 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

42 USC 670.

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made

98 STAT. 1318

with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid as support on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State (with appropriate reimbursement to the Federal Government to the extent of its participation in the financing) for any past foster care maintenance payments (or payments of aid to families with dependent children) which were made with respect to the child (and with respect to which past collections have not previously been retained);

and any balance shall be paid to the State agency responsible for supervising the placement of the child, for use by such agency in accordance with paragraph (2).".

Ante, p. 1145.
42 USC 657.

(2) Section 457(b) of such Act is amended by inserting "(subject to subsection (d))" after "shall" in the matter preceding paragraph (1).

(b) Part D of title IV of such Act is further amended—

Post, p. 1319.

(1) in section 454(4)(B), by inserting "including an assignment with respect to a child on whose behalf a State agency is making

42 USC 670.

foster care maintenance payments under part E," immediately after "such assignment is effective,", and by inserting "or E" immediately after "part A"; and

Ante, p. 1167.
42 USC 656.

(2) in section 456(a), by inserting "or secured on behalf of a child receiving foster care maintenance payments" immediately after "section 402(a)(26)".

42 USC 671.

(c) Section 471(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(17) provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies adminis-

42 USC 601, 651.

tering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.".

Post, p. 1322.

(d) Section 464(a) of such Act is amended—

(1) by inserting "or section 471(a)(17)" after "402(a)(26)"; and

(2) by striking out "457(b)(3)" and inserting in lieu thereof "457 (b)(4) or (d)(3)".

Effective date.
42 USC 654 note.

(e) The amendments made by this section shall become effective October 1, 1984, and shall apply to collections made on or after that date.

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ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

42 USC 654.

SEC. 12. (a) Section 454(4)(B) of the Social Security Act is amended—

(1) by striking out "and, at the option of the State," and inserting in lieu thereof ", and"; and

(2) by inserting ", and only if the support obligation established with respect to the child is being enforced under the plan" immediately after "but only if a support obligation has been established with respect to such spouse".

(b) Clause (A) of section 454(6) of such Act is amended—

(1) by striking out ", at the option of the State,"; and

(2) by inserting ", and only if the support obligation established with respect to the child is being enforced under the plan" immediately after "but only if a support obligation has been established with respect to such spouse".

Effective date.
42 USC 654 note.

(c) The amendments made by this section shall become effective October 1, 1985.

MODIFICATIONS IN CONTENT OF ANNUAL REPORT OF THE SECRETARY

42 USC 652.

SEC. 13. (a) Section 452(a)(10)(C) of the Social Security Act is amended to read as follows:

"(C) the following data, with the data required under each clause being separately stated for cases where the child is receiving aid to families with dependent children (or foster care maintenance payments under part E), cases where the child was formerly receiving such aid or payments and the State is continuing to collect support assigned to it under section 402(a)(26) or 471(a)(17), and all other cases under this part:

42 USC 602.
Ante, p. 1318.

"(i) the total number of cases in which a support obligation has been established in the fiscal year for which the report is submitted, and the total amount of such obligations;

"(ii) the total number of cases in which a support obligation has been established, and the total amount of such obligations;

"(iii) the number of cases described in clause (i) in which support was collected during such fiscal year, and the total amount of such collections;

"(iv) the number of cases described in clause (ii) in which support was collected during such fiscal year, and the total amount of such collections; and

"(v) the number of child support cases filed in each State in such fiscal year, and the amount of the collections made in each State in such fiscal year, on behalf of children residing in another State or against parents residing in another State;".

42 USC 652.

(b) Section 452(a)(10) of such Act is further amended—

(1) by striking out "and" at the end of subparagraph (G);

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after subparagraph (H) the following new subparagraph:

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"(I) the amount of administrative costs which are expended in each functional category of expenditures, including establishment of paternity.".

Effective date.
42 USC 652 note.

(c) The amendments made by this section shall be effective for reports for fiscal year 1986 and each fiscal year thereafter.

REQUIREMENT THAT AVAILABILITY OF CHILD SUPPORT ENFORCEMENT SERVICES BE PUBLICIZED

Ante, p. 1314.

SEC. 14. (a) Section 454 of the Social Security Act (as amended by the preceding provisions of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (21);

(2) by striking out the period at the end of paragraph (22) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (22) the following new paragraph:

"(23) provide that the State will regularly and frequently publicize, through public service announcements, the availability of child support enforcement services under the plan and otherwise, including information as to any application fees for such services and a telephone number or postal address at which further information may be obtained.".

Effective date.
42 USC 654 note.

(b) The amendments made by subsection (a) shall become effective October 1, 1985.

STATE COMMISSIONS ON CHILD SUPPORT

42 USC 654 note.
42 USC 601, 651.

SEC. 15. (a) As a condition of the State's eligibility for Federal payments under part A or D of title IV of the Social Security Act for quarters beginning more than 30 days after the date of the enactment of this Act and ending prior to October 1, 1985, the Governor of each State, on or before December 1, 1984, shall (subject to subsection (f)) appoint a State Commission on Child Support.

(b) Each State Commission appointed under subsection (a) shall be composed of members appropriately representing all aspects of the child support system, including custodial and non-custodial parents, the agency or organizational unit administering the State's plan under part D of such title IV, the State judiciary, the executive and legislative branches of the State government, child welfare and social services agencies, and others.

(c) It shall be the function of each State Commission to examine, investigate, and study the operation of the State's child support system for the primary purpose of determining the extent to which such system has been successful in securing support and parental involvement both for children who are eligible for aid under a State plan approved under part A of title IV of such Act and for children who are not eligible for such aid, giving particular attention to such specific problems (among others) as visitation, the establishment of appropriate objective standards for support, the enforcement of interstate obligations, the availability, cost, and effectiveness of services both to children who are eligible for such aid and to children who are not, and the need for additional State or Federal legislation to obtain support for all children.

Report.
Public availability.

(d) Each State Commission shall submit to the Governor of the State and make available to the public, no later than October 1, 1985, a full and complete report of its findings and recommendations resulting from the examination, investigation, and study under this

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section. The Governor shall transmit such report to the Secretary of Health and Human Services along with the Governor's comments thereon.

(e) None of the costs incurred in the establishment and operation of a State Commission under this section, or incurred by such a Commission in carrying out its functions under subsections (c) and (d), shall be considered as expenditures qualifying for Federal payments under part A or D of title IV of the Social Security Act or be otherwise payable or reimbursable by the United States or any agency thereof.

42 USC 601, 651.

(f) If the Secretary determines, at the request of any State on the basis of information submitted by the State and such other information as may be available to the Secretary, that such State—

(1) has placed in effect and is implementing objective standards for the determination and enforcement of child support obligations,

(2) has established within the five years prior to the enactment of this Act a commission or council with substantially the same functions as the State Commissions provided for under this section, or

Ante, p. 1305.

(3) is making satisfactory progress toward fully effective child support enforcement and will continue to do so,

then such State shall not be required to establish a State Commission under this section and the preceding provisions of this section shall not apply.

INCLUSION OF MEDICAL SUPPORT IN CHILD SUPPORT ORDERS

SEC. 16. Section 452 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 652.

"(f) The Secretary shall issue regulations to require that State agencies administering the child support enforcement program under this part petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. Such regulation shall also provide for improved information exchange between such State agencies and the State agencies administering the State medicaid programs under title XIX with respect to the availability of health insurance coverage.".

Regulations.

42 USC 1396.

INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SEC. 17. Section 453(f) of the Social Security Act is amended by striking out ", after determining that the absent parent cannot be located through the procedures under the control of such State agencies,".

42 USC 653.

STATE GUIDELINES FOR CHILD SUPPORT AWARDS

SEC. 18. (a) Part D of title IV of the Social Security Act (as amended by section 3(b) of this Act) is further amended by adding at the end thereof the following new section:

Ante, p. 1306.

"STATE GUIDELINES FOR CHILD SUPPORT AWARDS

"SEC. 467. (a) Each State, as a condition for having its State plan approved under this part, must establish guidelines for child support award amounts within the State. The guidelines may be established by law or by judicial or administrative action.

42 USC 667.

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"(b) The guidelines established pursuant to subsection (a) shall be made available to all judges and other officials who have the power to determine child support awards within such State, but need not be binding upon such judges or other officials.

"(c) The Secretary shall furnish technical assistance to the States for establishing the guidelines, and each State shall furnish the Secretary with copies of its guidelines.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1987.

Effective date.
42 USC 667 note.

AVAILABILITY OF SOCIAL SECURITY NUMBERS FOR CHILD SUPPORT ENFORCEMENT PURPOSES

SEC. 19. (a) Section 453(b) of the Social Security Act is amended by inserting "the social security account number (or numbers, if the individual involved has more than one such number) and" before "the most recent address".

42 USC 653.

(b)(1) Section 6103(l)(6)(A)(i) of the Internal Revenue Code of 1954 is amended by inserting "social security account number (or numbers, if the individual involved has more than one such number)," before "address".

26 USC 6103.

(2) Section 6103(l)(8)(A) of such Code is amended by inserting "social security account numbers," before "net earnings".

Ante, p. 820.

EXTENSION OF ELIGIBILITY UNDER TITLE XIX WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

42 USC 606.

SEC. 20. (a) Section 406 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 651.
42 USC 1396.

"(h) Each dependent child, and each relative with whom such a child is living (including the spouse of such relative as described in subsection (b)), who becomes ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D, and who has received such aid in at least three of the six months immediately preceding the month in which such ineligibility begins, shall be deemed to be a recipient of aid to families with dependent children for purposes of title XIX for an additional four calendar months beginning with the month in which such ineligibility begins.".

Effective date.
42 USC 606 note.
Supra.

(b) The amendment made by subsection (a) shall apply only with respect to individuals becoming ineligible for aid to families with dependent children (as described in section 406(h) of the Social Security Act as added by such subsection) on or after the date of the enactment of this Act and before October 1, 1988.

Ante, p. 1104.
42 USC 1396a.

(c) Section 1902(a)(10)(A)(i)(I) of such Act is amended by inserting "or 406(h)" after "402(a)(37)".

COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

42 USC 664.

SEC. 21. (a) Section 464(a) of the Social Security Act (as amended by section 12(d) of this Act) is further amended by inserting "(1)" after "SEC. 464. (a)" and by adding at the end thereof the following

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new paragraphs:

Ante, p. 1310, 1319.
Post, p. 1324.

"(2)(A) Upon receiving notice from a State agency administering a plan approved under this part that a named individual owes past-due support (as that term is defined for purposes of this paragraph under subsection (c)) which such State has agreed to collect under section 454(6), and that the State agency has sent notice to such individual in accordance with paragraph (3)(A), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to such individual (regardless of whether such individual filed a tax return as a married or unmarried individual). If the Secretary of the Treasury finds that any such amount is payable, he shall withhold from such refunds an amount equal to such past-due support, and shall concurrently send notice to such individual that the withholding has been made, including in or with such notice a notification to any other person who may have filed a joint return with such individual of the steps which such other person may take in order to secure his or her proper share of the refund. The Secretary of the Treasury shall pay the amount withheld to the State agency, and the State shall pay to the Secretary of the Treasury any fee imposed by the Secretary of the Treasury to cover the costs of the withholding and any required notification. The State agency shall, subject to paragraph (3)(B), distribute such amount to or on behalf of the child to whom the support was owed.

Effective date.
Ante, p. 1154.

"(B) This paragraph shall apply only with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985, and before January 1, 1991.

"(3)(A) Prior to notifying the Secretary of the Treasury under paragraph (1) or (2) that an individual owes past-due support, the State shall send notice to such individual that a withholding will be made from any refund otherwise payable to such individual. The notice shall also (i) instruct the individual owing the past-due support of the steps which may be taken to contest the State's determination that past-due support is owed or the amount of the past-due support, and (ii) provide information, as may be prescribed by the Secretary of Health and Human Services by regulation in consultation with the Secretary of the Treasury, with respect to procedures to be followed, in the case of a joint return, to protect the share of the refund which may be payable to another person.

"(B) If the Secretary of the Treasury determines that an amount should be withheld under paragraph (1) or (2), and that the refund from which it should be withheld is based upon a joint return, the Secretary of the Treasury shall notify the State that the withholding is being made from a refund based upon a joint return, and shall furnish to the State the names and addresses of each taxpayer filing such joint return. In the case of a withholding under paragraph (2), the State may delay distribution of the amount withheld until the State has been notified by the Secretary of the Treasury that the other person filing the joint return has received his or her proper share of the refund, but such delay may not exceed six months.

"(C) If the other person filing the joint return with the named individual owing the past-due support takes appropriate action to secure his or her proper share of a refund from which a withholding was made under paragraph (1) or (2), the Secretary of the Treasury shall pay such share to such other person. The Secretary of the Treasury shall deduct the amount of such payment from amounts subsequently payable to the State agency to which the amount originally withheld from such refund was paid.

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"(D) In any case in which an amount was withheld under paragraph (1) or (2) and paid to a State, and the State subsequently determines that the amount certified as past-due support was in excess of the amount actually owed at the time the amount withheld is to be distributed to or on behalf of the child, the State shall pay the excess amount withheld to the named individual thought to have owed the past-due support (or, in the case of amounts withheld on the basis of a joint return, jointly to the parties filing such return).".

(b)(1) Section 464(a)(1) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "and pay" in the second sentence and inserting in lieu thereof the following: "shall concurrently send notice to such individual that the withholding has been made (including in or with such notice a notification to any other person who may have filed a joint return with such individual of the steps which such other person may take in order to secure his or her proper share of the refund), and shall pay".

Ante, p. 1322.

(2) Section 464(b) of such Act is amended—

42 USC 664.

(A) by inserting "(1)" after "(b)";

(B) by striking out "The regulations shall specify" in the second sentence and inserting in lieu thereof "The regulations shall be consistent with the provisions of subsection (a)(3), shall specify";

(C) by striking out "and provide" and inserting in lieu thereof "and shall provide";

(D) by adding at the end of paragraph (1) as so redesignated the following: "Any fee paid to the Secretary of the Treasury pursuant to this subsection may be used to reimburse appropriations which bore all or part of the cost of applying such procedure."; and

(E) by adding at the end thereof the following new paragraph:

"(2) In the case of withholdings made under subsection (a)(2), the regulations promulgated pursuant to this subsection shall include the following requirements:

Ante, p. 1322.

"(A) The withholding shall apply only in the case where the State determines that the amount of the past-due support which will be owed at the time the withholding is to be made, based upon the pattern of payment of support and other enforcement actions being pursued to collect the past-due support, is equal to or greater than $500. The State may limit the $500 threshhold amount to amounts of past-due support accrued since the time that the State first began to enforce the child support order involved under the State plan, and may limit the application of the withholding to past-due support accrued since such time.

"(B) The fee which the Secretary of the Treasury may impose to cover the costs of the withholding and notification may not exceed $25 per case submitted.".

42 USC 664.

(c) Section 464(c) of such Act is amended—

(1) by striking out "(c) As used in this part" and inserting in lieu thereof "(c)(1) Except as provided in paragraph (2), as used in this part"; and

(2) by adding at the end thereof the following new paragraph:

Ante, p. 1322.

"(2) For purposes of subsection (a)(2), the term 'past-due support' means only past-due support owed to or on behalf of a minor child.".

Ante, p. 1307.

(d) Section 454(6) of the Social Security Act (as amended by section 3(c) of this Act) is further amended—

98 STAT. 1325

(1) by redesignating clause (C) as clause (D);

(2) by striking out "fee so imposed" in clause (D) as so redesignated and inserting in lieu thereof "fees so imposed"; and

(3) by striking out ", and" at the end of clause (B) and inserting in lieu thereof ", (C) a fee of not more than $25 may be imposed in any case where the State requests the Secretary of the Treasury to withhold past-due support owed to or on behalf of such individual from a tax refund pursuant to section 464(a)(2), and".

Ante, p. 1322.
26 USC 6402.

(e)(1) Section 6402(c) of the Internal Revenue Code of 1954 is amended—

(A) by striking out "to which such support has been assigned" and inserting in lieu thereof "collecting such support"; and

(B) by inserting before the last sentence thereof the following: "A reduction under this subsection shall be applied first to satisfy any past-due support which has been assigned to the State under section 402(a)(26) or 471(a)(17) of the Social Security Act, and shall be applied to satisfy any other past-due support after any other reductions allowed by law (but before a credit against future liability for an internal revenue tax) have been made.".

42 USC 602.
Ante, p. 1318.

Ante, p. 1154.

(2) Section 6402 of such Code (as amended by section 2653 of the Deficit Reduction Act of 1984) is further amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) Treatment of Payments to States.—The Secretary may provide that, for purposes of determining interest, the payment of any amount withheld under subsection (c) to a State shall be treated as a payment to the person or persons making the overpayment.".

Ante, p. 1155.

(f)(1) Section 6103(l) of such Code (as so amended) is further amended by adding at the end thereof the following new paragraph:

Supra.

"(11) Disclosure of certain information to agencies requesting a reduction under section 6402(c).—

"(A) Return information from internal revenue service.—The Secretary shall, upon receiving a written request, disclose to officers and employees of a State agency seeking a reduction under section 6402(c)—

"(i) the fact that a reduction has been made or has not been made under such subsection with respect to any taxpayer;

"(ii) the amount of such reduction;

"(iii) whether such taxpayer filed a joint return;

"(iv) taxpayer identity information with respect to the taxpayer against whom a reduction was made or not made and of any other person filing a joint return with such taxpayer; and

Ante, p.

"(v) the fact that a payment was made (and the amount of the payment) on the basis of a joint return in accordance with section 464(a)(3) of the Social Security Act.

"(B) Restriction on use of disclosed information.—Any officers and employees of an agency receiving return information under subparagraph (A) shall use such information only for the purposes of, and to the extent necessary in, establishing appropriate agency records or in the defense of any litigation or administrative procedure ensuing from a reduction made under section 6402(c).".

Supra.

(2) Section 6103(p)(3)(A) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

Ante, p. 1155.

98 STAT. 1326

(3) Section 6103(p)(4) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

Ante, p. 1155.

(4) Section 6103(p)(4)(F)(ii) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

Ante, p. 1156.

(5) Section 7213(a)(2) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

Ante, p. 1156.

(g) The amendments made by this section shall apply with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985.

Effective date.
26 USC 6103 note.
Ante, p. 1325.

WISCONSIN CHILD SUPPORT INITIATIVE

Sec. 22. (a)(1) If the State of Wisconsin requests the Secretary of Health and Human Services to waive the requirements of parts A and D of title IV of the Social Security Act, or to waive the requirements of part D and only those requirements of part A of such Act as relate to the provision of aid to dependent children as defined (without regard to section 407) in section 406(a) of the Social Security Act (hereafter referred to in this section as "dependent children in single-parent families"), in order to permit the State to make an adequate test in any county or counties, or throughout the State, of its Child Support Initiative, the Secretary shall waive such requirements if—

Waiver.
42 USC 602 note.
42 USC 601, 651.
42 USC 607.
42 USC 606.

(A) the State provides a complete description, in accordance with paragraph (2), of the program, known as the Initiative, which it will operate in place of the programs under such parts A and D, and makes the description readily available to the public throughout the State;

Public availability.
42 USC 601, 651.

(B) the Governor provides assurances that, under the Initiative, assistance will be provided to all children in need of financial support, and the State will continue to operate an effective child support enforcement program;

(C) the State agrees that, during the conduct of such test, it will continue to determine eligibility for medical assistance under the State plan approved under title XIX of the Social Security Act, applying the criteria (insofar as may be applicable to members of families with dependent children affected by the Initiative) in effect under its State plan approved under part A of title IV for the month preceding the month in which the Initiative (approved under this section) becomes effective, except that such criteria shall be deemed to have been changed to the extent necessary to comply with generally applicable changes in Federal law or regulations occurring after the date of the enactment of this Act;

Medical assistance eligibility.
42 USC 1396.
42 USC 601.

(D) the State specifies measurable performance objectives, submits an evaluation plan (including criteria for evaluating the Initiative), and agrees to submit interim and final evaluations and reports, at such time or times and containing such information, as the Secretary may require; and

Reports.

(E) the State agrees to obtain, at least once every two years, a financial and compliance audit of the funds received under this section and to obtain, after the close of the operation of the Initiative under this section, such an audit and make it public within the State on a timely basis and provide a copy to the Secretary within 30 days after its completion.

Audit.
Public availability.

98 STAT. 1327

(2) The program description provided under paragraph (1)(A) shall describe in detail how the proposed Initiative will affect children and families, with specific reference to the principles for calculating benefits and establishing and enforcing child support obligations. The description shall also include estimates of cost and program effects and provide other relevant information necessary for the Secretary to determine whether the financial well-being of children and their families will be adversely affected by the operation of the Initiative.

Effective date.

42 USC 603.

Ante, pp. 1311, 1312.

(b) The Child Support Initiative proposed by the State of Wisconsin as detailed in the program description submitted to the Secretary, and the related requested waivers, shall become effective within 120 days after its submission unless the Secretary determines that the financial well-being of children in the State will be adversely affected by the Initiative. The Secretary shall notify the State in writing that, effective with the beginning of the following quarter (or of such later quarter as the State may select), the State may operate its Child Support Initiative instead of its programs of aid to families with dependent children (or, if the State had so requested, instead of its program of aid to dependent children in single-parent families) and child support enforcement in such county or counties, or on a statewide basis, as the State has indicated in its request. Except as specifically provided in subsection (c), no amount will be payable for any quarter under section 403(a) (or under section 403(a) with respect to single-parent families, if the State had so requested), 455(a), or 458 of the Social Security Act with respect to such county or counties in which the Initiative is in effect.

(c)(1) For each quarter during which such program is in effect throughout the State, the Secretary will pay to the State the sum of its proportionate share (as defined in paragraph (4)(A)) of each of the following:

42 USC 1301.
42 USC 603.

(A) the amount advanced by the Secretary to all the other States (as defined in section 1101(a) of the Social Security Act) for such quarter with respect to section 403(a) (1) and (2) of such Act;

(B) the amount so advanced by the Secretary with respect to section 403(a)(3) of such Act;

Ante, p. 1311.

(C) the amount so advanced by the Secretary with respect to section 455(a) of such Act; and

Ante, p. 1312.

(D) the amount so advanced by the Secretary with respect to section 458(a) of such Act,

Ante, p. 1318.

reduced by so much of its proportionate share of support collections on behalf of individuals receiving aid to families with dependent children (as defined in paragraph (4)(B)) as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the last quarter of fiscal year 1986.

98 STAT. 1328

Ante, p. 1318.

(2) If in any quarter the Initiative approved under this section is in operation in fewer than all the counties in the State, the amount paid to the State with respect to the counties to which the waiver under subsection (a) applies shall equal (in lieu of the amount specified in paragraph (1)) the proportionate share with respect to the counties in which the Initiative is operated (as defined in paragraph (5)(A)) of the amount advanced to the State under the four authorities specified in paragraph (1) with respect to all the other counties for such quarter, reduced by so much of the proportionate share of support collections (as defined in paragraph (5)(B)) with respect to the counties in which the Initiative is operated, as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the last quarter of fiscal year 1986.

42 USC 601, 651.

(3) Payment under this subsection shall be estimated by the Secretary before the beginning of each quarter during which the Initiative is in effect on the basis of the advances made under parts A and D of title IV of the Social Security Act for such quarter, and the Secretary shall make payments for such quarter on a monthly basis (with each payment made no later than the beginning of the month involved), in the amounts so estimated, and adjusted as

necessary to reflect the amount of any previously made overpayment or underpayment under this section. Payment of any amount determined with respect to paragraphs (1)(A) and (1)(B) shall be made from amounts appropriated to carry out part A of title IV of the Social Security Act for the appropriate fiscal year; payment of any amount determined with respect to paragraphs (1)(C) and (1)(D) shall be made from amounts appropriated to carry out part D of title IV of the Social Security Act.

(4)(A) The State's proportionate share of each amount enumerated in paragraph (1) shall be the portion of such amount that bears the same ratio to such amount as the corresponding portion advanced to the State for quarters in fiscal years 1984 through 1986 bears to the total corresponding amount advanced to all the other States for such quarters.

(B) The State's proportionate share of support collections means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children by all the other States for the quarter involved as such collections by the State for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other States for such quarters.

(5)(A) The proportionate share with respect to the counties in which the Initiative is operated, in the case of—

(i) the amount advanced to the State with respect to all other counties under section 403(a)(1) of the Social Security Act; 42 USC 603.

(ii) the amount so advanced under section 403(a)(3) of such Act;

(iii) the amount so advanced under section 455(a) of such Act; and *Ante*, p. 1311.

(iv) the amount so advanced with respect to section 458(a) of such Act, *Ante*, p. 1312.

is the sum of such amounts, each having been multiplied by the ratio of (I) the corresponding amount advanced with respect to such counties for all quarters in fiscal years 1984 through 1986 to (II) the corresponding amount advanced with respect to all the other counties in the State for all such quarters.

(B) The proportionate share of support collections for any quarter, with respect to the counties in which the Initiative is operated, means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children with respect to all the other counties in the State for such quarter as such collections by such counties for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other counties in the State for such quarters.

(6) If the State requests, under subsection (a), waiver of only those requirements under part A of title IV of the Social Security Act as relate to the provision of aid to dependent children in single-parent families, and continues to operate its program of aid to families with dependent children deprived by reason of the unemployment of a parent— 42 USC 601.

(A) the State's proportionate share of the amount specified in paragraph (1)(A) (and only that amount) shall be computed under paragraph (4) by application of the ratio of (i) the amount advanced to the State, under section 403(a)(1) of the Social Security Act for quarters in fiscal years 1984 through 1986 with respect to expenditures in the form of aid to dependent children in single-parent families, to (ii) the amount advanced to all the other States, under section 403(a) (1) and (2) of such Act with respect to such expenditures, rather than by application of the ratio specified in paragraph (4); and 42 USC 603.

(B) part A of title IV of such Act shall continue to apply to the State's program of aid to families with dependent children deprived by reason of the unemployment of a parent; except that section 403(a)(3) shall not apply during the period that, or in the part or parts of the State where, the Initiative is in effect. 42 USC 601. 42 USC 603.

(d)(1) The State may cease to conduct the Initiative under this section and (if it so chooses) return to the administration of its plans approved under part A and part D of title IV of the Social Security 42 USC 601, 651.

Act upon the provision to the Secretary of at least 3 months advance notice (or such greater advance notice as may be necessary so that administration of such plans will resume at the beginning of a quarter in the fiscal year).

(2) The Secretary may terminate approval of the Initiative upon the giving of at least 3 months advance notice (or such greater advance notice as may be necessary as specified in paragraph (1)) to the State if it is determined that the financial well-being of children in the State (or county or counties involved) would be better achieved by the operation of programs under part A and part D of title IV of the Social Security Act.

Effective date.

(e) This section shall be in effect for quarters beginning after September 30, 1986, and ending before October 1, 1994.

SENSE OF THE CONGRESS THAT STATE AND LOCAL GOVERNMENTS SHOULD FOCUS ON THE PROBLEMS OF CHILD CUSTODY, CHILD SUPPORT, AND RELATED DOMESTIC ISSUES

SEC. 23. (a) The Congress finds that—

(1) the divorce rate in the United States has reached alarming proportions and the number of children being raised in single parent families has grown accordingly;

(2) there is a critical lack of child support enforcement, which Congress has undertaken to address through the child support enforcement program;

(3) Congress is strengthening that program to recognize the needs of all children;

(4) related domestic issues, such as visitation rights and child custody, are often intricately intertwined with the child support problem and have received inadequate consideration; and

(5) these related issues remain within the jurisdiction of State and local governments, but have a critical impact on the health and welfare of the children of the Nation.

98 STAT. 1330

(b) It is the sense of Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly within the jurisdictions of such governments;

(2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our Nation's children and assign them the highest priority; and

(3) a mutual recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

Approved August 16, 1984.

LEGISLATIVE HISTORY—H.R. 4325:

HOUSE REPORTS: No. 98-527 (Comm. on Ways and Means) and No. 98-925 (Comm. of Conference).
SENATE REPORT No. 98-387 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 16, considered and passed House.
Vol. 130 (1984): Apr. 25, considered and passed Senate, amended.
Aug. 1, Senate agreed to conference report.
Aug. 8, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 33 (1984):
Aug. 16, 1984, Presidential statement.

Public Law 98-426
98th Congress

98 STAT. 1639

An Act

Entitled the "Longshore and Harbor Workers' Compensation Act Amendments of 1984".

Sept. 28, 1984
[S. 38]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Longshore and Harbor Workers' Compensation Act Amendments of 1984".

Longshore and Harbor Workers' Compensation Act Amendments of 1984.
33 USC 901 note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Longshoremen's and Harbor Workers' Compensation Act.

33 USC 901.

DEFINITIONS

SEC. 2. (a) Section 2(3) is amended to read as follows:

33 USC 902.

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor-worker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include—

"(A) individuals employed exclusively to perform office clerical, secretarial, security, or data processing work;

"(B) individuals employed by a club, camp, recreational operation, restaurant, museum, or retail outlet;

"(C) individuals employed by a marina and who are not engaged in construction, replacement, or expansion of such marina (except for routine maintenance);

"(D) individuals who (i) are employed by suppliers, transporters, or vendors, (ii) are temporarily doing business on the premises of an employer described in paragraph (4), and (iii) are not engaged in work normally performed by employees of that employer under this Act;

"(E) aquaculture workers;

"(F) individuals employed to build, repair, or dismantle any recreational vessel under sixty-five feet in length;

"(G) a master or member of a crew of any vessel; or

"(H) any person engaged by a master to load or unload or repair any small vessel under eighteen tons net;

if individuals described in clauses (A) through (F) are subject to coverage under a State workers' compensation law.".

(b) Section 2(10) is amended by inserting before the period at the end thereof the following: "; but such term shall mean permanent impairment, determined (to the extent covered thereby) under the guides to the evaluation of permanent impairment promulgated and modified from time to time by the American Medical Association, in the case of an individual whose claim is described in section 10(d)(2)".

Post, p. 1647.

(c) Section 2(13) is amended to read as follows:

"(13) The term 'wages' means the money rate at which the service rendered by an employee is compensated by an employer under the contract of hiring in force at the time of the injury, including the reasonable value of any advantage which is received from the employer and included for purposes of any withholding of tax under subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes). The term wages does not include fringe benefits, including (but not limited to) employer payments for or contributions to a retirement, pension, health and welfare, life insurance, training, social security or other employee or dependent benefit plan for the employee's or dependent's benefit, or any other employee's dependent entitlement.".

98 STAT. 1639

26 USC 3101.

COVERAGE

33 USC 903. SEC. 3. (a) Section 3 is amended to read as follows:

"COVERAGE

"SEC. 3. (a) Except as otherwise provided in this section, compensation shall be payable under this Act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, dismantling, or building a vessel).

"(b) No compensation shall be payable in respect of the disability or death of an officer or employee of the United States, or any agency thereof, or of any State or foreign government, or any subdivision thereof.

"(c) No compensation shall be payable if the injury was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

"(d)(1) No compensation shall be payable to an employee employed at a facility of an employer if, as certified by the Secretary, the facility is engaged in the business of building, repairing, or dismantling exclusively small vessels (as defined in paragraph (3) of this subsection), unless the injury occurs while upon the navigable waters of the United States or while upon any adjoining pier, wharf, dock, facility over land for launching vessels, or facility over land for hauling, lifting, or drydocking vessels.

"(2) Notwithstanding paragraph (1), compensation shall be payable to an employee—

"(A) who is employed at a facility which is used in the business of building, repairing, or dismantling small vessels if such facility receives Federal maritime subsidies; or

"(B) if the employee is not subject to coverage under a State workers' compensation law.

"(3) For purposes of this subsection, a small vessel means—

"(A) a commercial barge which is under 900 lightship displacement tons; or

"(B) a commercial tugboat, towboat, crew boat, supply boat, fishing vessel, or other work vessel which is under 1,600 tons gross.".

(b) Section 3 is further amended by adding at the end thereof the following:

98 STAT. 1641

"(e) Notwithstanding any other provision of law, any amounts paid to an employee for the same injury, disability, or death for which benefits are claimed under this Act pursuant to any other workers' compensation law or section 20 of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. 688) (relating to recovery for injury to or death of seamen) shall be credited against any liability imposed by this Act.".

LIABILITY FOR COMPENSATION

33 USC 904. SEC. 4. (a) Section 4(a) is amended to read as follows:

"SEC. 4. (a) Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9. In the case of an employer who is a subcontractor, only if such subcontractor fails to secure the payment of compensation shall the contractor be liable for and be required to secure the payment of compensation. A subcontractor shall not be deemed to have failed to secure the payment of compensation if the contractor has provided insurance for such compensation for the benefit of the subcontractor.".

33 USC 907-909.

(b) Section 5(a) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, a contractor shall be deemed the employer of a subcontractor's employees only if the subcontractor fails to secure the payment of compensation as required by section 4.". 33 USC 905.

THIRD PARTY LIABILITY

SEC. 5. (a)(1) The third sentence of section 5(b) is amended to read as follows: "If such person was employed to provide shipbuilding, repairing, or breaking services and such person's employer was the owner, owner pro hac vice, agent, operator, or charterer of the vessel, no such action shall be permitted, in whole or in part or directly or indirectly, against the injured person's employer (in any capacity, including as the vessel's owner, owner pro hac vice, agent, operator, or charterer) or against the employees of the employer.". 33 USC 905.

(2) Section 2(21) is amended by striking out "The" and inserting in lieu thereof "Unless the context requires otherwise, the". 33 USC 902.

(b) Section 5 is amended by adding at the end thereof the following new subsection: *Supra.*

"(c) In the event that the negligence of a vessel causes injury to a person entitled to receive benefits under this Act by virtue of section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333), then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such vessel in accordance with the provisions of subsection (b) of this section. Nothing contained in subsection (b) of this section shall preclude the enforcement according to its terms of any reciprocal indemnity provision whereby the employer of a person entitled to receive benefits under this Act by virtue of section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) and the vessel agree to defend and indemnify the other for cost of defense and loss or liability for damages arising out of or resulting from death or bodily injury to their employees.".

COMPENSATION

SEC. 6. (a) Section 6(b)(1) is amended to read as follows: 33 USC 906.

98 STAT. 1642

"(b)(1) Compensation for disability or death (other than compensation for death required by this Act to be paid in a lump sum) shall not exceed an amount equal to 200 per centum of the applicable national average weekly wage, as determined by the Secretary under paragraph (3).".

(b) Section 6 is amended— 33 USC 906.

(1) by striking out subsection (c) and redesignating subsection (d) as subsection (c); and

(2) by striking out "under this subsection" in subsection (c) (as redesignated) and inserting in lieu thereof "under subsection (b)(3)".

MEDICAL SERVICES AND SUPPLIES

SEC. 7. (a) The third sentence of section 7(b) is amended by inserting before the period the following: "or where the charges exceed those prevailing within the community for the same or similar services or exceed the provider's customary charges". 33 USC 907.

(b) Section 7(c) is amended to read as follows:

"(c)(1)(A) The Secretary shall annually prepare a list of physicians and health care providers in each compensation district who are not authorized to render medical care or provide medical services under this Act. The names of physicians and health care providers contained on the list required under this subparagraph shall be made available to employees and employers in each compensation district through posting and in such other forms as the Secretary may prescribe.

"(B) Physicians and health care providers shall be included on the list of those not authorized to provide medical care and medical services pursuant to subparagraph (A) when the Secretary determines under this section, in accordance with the procedures provided in subsection (j), that such physician or health care provider—

"(i) has knowingly and willfully made, or caused to be made, any false statement or misrepresentation of a material fact for use in a claim for compensation or claim for reimbursement of medical expenses under this Act;

"(ii) has knowingly and willfully submitted, or caused to be submitted, a bill or request for payment under this Act containing a charge which the Secretary finds to be substantially in excess of the charge for the service, appliance, or supply prevailing within the community or in excess of the provider's customary charges, unless the Secretary finds there is good cause for the bill or request containing the charge;

"(iii) has knowingly and willfully furnished a service, appliance, or supply which is determined by the Secretary to be substantially in excess of the need of the recipient thereof or to be of a quality which substantially fails to meet professionally recognized standards;

"(iv) has been convicted under any criminal statute (without regard to pending appeal thereof) for fraudulent activities in connection with any Federal or State program for which payments are made to physicians or providers of similar services, appliances, or supplies; or

"(v) has otherwise been excluded from participation in such program.

"(C) Medical services provided by physicians or health care providers who are named on the list published by the Secretary pursuant to subparagraph (A) of this section shall not be reimbursable under this Act; except that the Secretary shall direct the reimbursement of medical claims for services rendered by such physicians or health care providers in cases where the services were rendered in an emergency.

98 STAT. 1643

Public information.

"(D) A determination under subparagraph (B) shall remain in effect for a period of not less than three years and until the Secretary finds and gives notice to the public that there is reasonable assurance that the basis for the determination will not reoccur.

"(E) A provider of a service, appliance, or supply shall provide to the Secretary such information and certification as the Secretary may require to assure that this subsection is enforced.

"(2) Whenever the employer or carrier acquires knowledge of the employee's injury, through written notice or otherwise as prescribed by the Act, the employer or carrier shall forthwith authorize medical treatment and care from a physician selected by an employee pursuant to subsection (b). An employee may not select a physician who is on the list required by paragraph (1) of this subsection. An employee may not change physicians after his initial choice unless the employer, carrier, or deputy commissioner has given prior consent for such change. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for and appropriate to the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.".

33 USC 907.

(c) Section 7(d) is amended to read as follows:

"(d)(1) An employee shall not be entitled to recover any amount expended by him for medical or other treatment or services unless—

"(A) the employer shall have refused or neglected a request to furnish such services and the employee has complied with subsections (b) and (c) and the applicable regulations; or

"(B) the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize same.

Report.

"(2) No claim for medical or surgical treatment shall be valid and enforceable against such employer unless, within ten days following the first treatment, the physician giving such treatment furnishes to the employer and the deputy commissioner a report of such injury or treatment, on a form prescribed by the Secretary. The Secretary may excuse the failure to furnish such report within the ten-day period whenever he finds it to be in the interest of justice to do so.

"(3) The Secretary may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee.

"(4) If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary or administrative law judge may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.".

(d) Section 7 is amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary shall have the authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this Act, which are necessary or appropriate to carry out the provisions of subsection (c), including the nature and extent of the proof and evidence necessary for actions under this section and the methods of taking and furnishing such proof and evidence.

"(2) Any decision to take action with respect to a physician or health care provider under this section shall be based on specific findings of fact by the Secretary. The Secretary shall provide notice of these findings and an opportunity for a hearing pursuant to section 556 of title 5, United States Code, for a provider who would be affected by a decision under this section. A request for a hearing must be filed with the Secretary within thirty days after notice of the findings is received by the provider making such request. If a hearing is held, the Secretary shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse the findings of fact and proposed action under this section.

"(3) For the purpose of any hearing, investigation, or other proceeding authorized or directed under this section, the provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50) shall apply to the jurisdiction, powers, and duties of the Secretary or any officer designated by him.

"(4) Any physician or health care provider, after any final decision of the Secretary made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision, but the pendency of such review shall not operate as a stay upon the effect of such decision. Such action shall be brought in the court of appeals of the United States for the judicial circuit in which the plaintiff resides or has his principal place of business, or the Court of Appeals for the District of Columbia. As part of his answer, the Secretary shall file a certified copy of the transcript of the record of the hearing, including all evidence submitted in connection therewith. The findings of fact of the Secretary, if based on substantial evidence in the record as a whole, shall be conclusive.".

Ante, p. 1643.

(e) Section 7 is further amended by adding at the end thereof the following new subsection:

"(k)(1) Nothing in this Act prevents an employee whose injury or disability has been established under this Act from relying in good faith on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by an accredited practitioner of such recognized church or religious denomination, and on nursing services rendered in accordance with such tenets and practice, without suffering loss or diminution of the compensation or benefits under this Act. Nothing in this subsection shall be construed to except an employee from all physical examinations required by this Act.

"(2) If an employee refuses to submit to medical or surgical services solely because, in adherence to the tenets and practice of a recognized church or religious denomination, the employee relies upon prayer or spiritual means alone for healing, such employee shall not be considered to have unreasonably refused medical or surgical treatment under subsection (d).".

COMPENSATION FOR DISABILITY

Claims. 33 USC 908.

SEC. 8. (a) Section 8(c)(13) is amended to read as follows:

"(13) Loss of hearing:

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"(A) Compensation for loss of hearing in one ear, fifty-two weeks.

"(B) Compensation for loss of hearing in both ears, two-hundred weeks.

"(C) An audiogram shall be presumptive evidence of the amount of hearing loss sustained as of the date thereof, only if (i) such audiogram was administered by a licensed or certified audiologist or a physician who is certified in otolaryngology, (ii) such audiogram, with the report thereon, was provided to the employee at the time it was administered, and (iii) no contrary audiogram made at that time is produced.

Post, p. 1648. 33 USC 913.

"(D) The time for filing a notice of injury, under section 12 of this Act, or a claim for compensation, under section 13 of this Act, shall not begin to run in connection with any claim for loss of hearing under this section, until the employee has received an audiogram, with the accompanying report thereon, which indicates that the employee has suffered a loss of hearing.

"(E) Determinations of loss of hearing shall be made in accordance with the guides for the evaluation of permanent impairment as promulgated and modified from time to time by the American Medical Association.".

33 USC 908.

(b) Section 8(c)(20) is amended by striking out "$3,500" and inserting in lieu thereof "$7,500".

(c)(1) Section 8(c)(21) is amended to read as follows:

"(21) Other cases: In all other cases in the class of disability, the compensation shall be 66⅔ per centum of the difference between the average weekly wages of the employee and the employee's wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of partial disability.".

(2) Section 8(c) is further amended by adding at the end thereof the following new paragraph:

Post, p. 1647.

Ante, p. 16

"(23) Notwithstanding paragraphs (1) through (22), with respect to a claim for permanent partial disability for which the average weekly wages are determined under section 10(d)(2), the compensation shall be 66⅔ per centum of such average weekly wages multiplied by the percentage of permanent impairment, as determined under the guides referred to in section 2(10), payable during the continuance of such impairment.".

(d) Section 8(d) is amended by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) Section 8(f) is amended—

(1) by inserting before the period at the end of the second and fourth sentences of paragraph (1) the following: ", except that, in the case of an injury falling within the provisions of section 8(c)(13), the employer shall provide compensation for the lesser of such periods";

(2) by inserting "(A)" after "(2)" in paragraph (2);

33 USC 932.

(3) by inserting before the period at the end of such paragraph the following: ", except that the special fund shall not assume responsibility with respect to such benefits (and such payments shall not be subject to cessation) in the case of any employer who fails to comply with section 32(a)";

(4) by adding at the end of paragraph (2) the following new subparagraph:

"(B) After cessation of payments for the period of weeks provided for in this subsection, the employer or carrier responsible for payment of compensation shall remain a party to the claim, retain

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access to all records relating to the claim, and in all other respects retain all rights granted under this Act prior to cessation of such payments."; and

(5) by adding at the end thereof the following new paragraph:

"(3) Any request, filed after the date of enactment of the Longshore and Harbor Workers' Compensation Amendments of 1984, for apportionment of liability to the special fund established under section 44 of this Act for the payment of compensation benefits, and a statement of the grounds therefore, shall be presented to the deputy commissioner prior to the consideration of the claim by the deputy commissioner. Failure to present such request prior to such consideration shall be an absolute defense to the special fund's liability for the payment of any benefits in connection with such claim, unless the employer could not have reasonably anticipated the liability of the special fund prior to the issuance of a compensation order.".

Ante, p. 1639.

33 USC 944.

(f) Subsection (i) of section 8 is amended to read as follows:

33 USC 908.

"(i)(1) Whenever the parties to any claim for compensation under this Act, including survivors benefits, agree to a settlement, the deputy commissioner or administrative law judge shall approve the settlement within thirty days unless it is found to be inadequate or procured by duress. Such settlement may include future medical benefits if the parties so agree. No liability of any employer, carrier, or both for medical, disability, or death benefits shall be discharged unless the application for settlement is approved by the deputy commissioner or administrative law judge. If the parties to the settlement are represented by counsel, then agreements shall be deemed approved unless specifically disapproved within thirty days after submission for approval.

"(2) If the deputy commissioner disapproves an application for settlement under paragraph (1), the deputy commissioner shall issue a written statement within thirty days containing the reasons for disapproval. Any party to the settlement may request a hearing before an administrative law judge in the manner prescribed by this Act. Following such hearing, the administrative law judge shall enter an order approving or rejecting the settlement.

"(3) A settlement approved under this section shall discharge the liability of the employer or carrier, or both. Settlements may be agreed upon at any stage of the proceeding including after entry of a final compensation order.".

(g) Such subsection (i) is further amended by adding at the end thereof the following new paragraph:

"(4) The special fund shall not be liable for reimbursement of any sums paid or payable to an employee or any beneficiary under such settlement, or otherwise voluntarily paid prior to such settlement by the employer or carrier, or both.".

(h) Section 8 is amended by adding at the end thereof the following new subsection:

"(j)(1) The employer may inform a disabled employee of his obligation to report to the employer not less than semiannually any earnings from employment or self-employment, on such forms as the Secretary shall specify in regulations.

"(2) An employee who—

"(A) fails to report the employee's earnings under paragraph (1) when requested, or

"(B) knowingly and willfully omits or understates any part of such earnings,

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and who is determined by the deputy commissioner to have violated clause (A) or (B) of this paragraph, forfeits his right to compensation with respect to any period during which the employee was required to file such report.

"(3) Compensation forfeited under this subsection, if already paid, shall be recovered by a deduction from the compensation payable to the employee in any amount and on such schedule as determined by the deputy commissioner.".

COMPENSATION FOR DEATH

33 USC 909.

SEC. 9. (a) The matter preceding subsection (a) of section 9 is amended to read as follows:

"SEC. 9. If the injury causes death, the compensation therefore shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:".

(b) Section 9(a) is amended by striking out "$1,000" and inserting in lieu thereof "$3,000".

(c) Section 9(e) is amended to read as follows:

33 USC 906.

"(e) In computing death benefits, the average weekly wages of the deceased shall not be less than the national average weekly wage as prescribed in section 6(b), but—

Ante, p. 1641.

"(1) the total weekly benefits shall not exceed the lesser of the average weekly wages of the deceased or the benefit which the deceased employee would have been eligible to receive under section 6(b)(1); and

Infra.

"(2) in the case of a claim based on death due to an occupational disease for which the time of injury (as determined under section 10(i)) occurs after the employee has retired, the total weekly benefits shall not exceed one fifty-second part of the employee's average annual earnings during the 52-week period preceding retirement.".

DETERMINATION OF PAY

33 USC 910.

SEC. 10. (a)(1) Section 10(d) is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following:

"(2) Notwithstanding paragraph (1), with respect to any claim based on a death or disability due to an occupational disease for which the time of injury (as determined under subsection (i)) occurs—

"(A) within the first year after the employee has retired, the average weekly wages shall be one fifty-second part of his average annual earnings during the 52-week period preceding retirement; or

33 USC 906.

"(B) more than one year after the employee has retired, the average weekly wage shall be deemed to be the national average weekly wage (as determined by the Secretary pursuant to section 6(b)) applicable at the time of the injury.".

(2) Section 10 is further amended by adding at the end thereof the following new subsection:

"(i) For purposes of this section with respect to a claim for compensation for death or disability due to an occupational disease which does not immediately result in death or disability, the time of injury shall be deemed to be the date on which the employee or claimant becomes aware, or in the exercise of reasonable diligence or by

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reason of medical advice should have been aware, of the relationship between the employment, the disease, and the death or disability.".

33 USC 910.
Effective date.

(b) Section 10(f) is amended to read as follows:

"(f) Effective October 1 of each year, the compensation or death benefits payable for permanent total disability or death arising out of injuries subject to this Act shall be increased by the lesser of—

33 USC 906.

"(1) a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1; or

"(2) 5 per centum.".

NOTICE OF INJURY OR DEATH

33 USC 912.

SEC. 11. (a) Section 12(a) is amended to read as follows:

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of a relationship between the injury or death and the employment, except that in the case of an occupational disease which does not immediately result in a disability or death, such notice shall be given within one year after the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the relationship between the employment, the disease, and the death or disability. Notice shall be given (1) to the deputy commissioner in the compensation district in which the injury or death occurred, and (2) to the employer.".

(b) Section 12(c) is amended by adding at the end thereof the following: "Each employer shall designate those agents or other responsible officials to receive such notice, except that the employer shall designate as its representatives individuals among first line supervisors, local plant management, and personnel office officials. Such designations shall be made in accordance with regulations prescribed by the Secretary and the employer shall notify his employees and the Secretary of such designation in a manner prescribed by the Secretary in regulations.".

(c) Section 12(d) is amended—

(1) by striking out "(or his agent in charge of the business in the place where the injury occurred)" and inserting in lieu thereof the following: "(or his agent or agents or other responsible official or officials designated by the employer pursuant to subsection (c))";

(2) by striking out "injury or death and" and inserting in lieu thereof "injury or death, (2)";

(3) by striking out "or (2)" and inserting in lieu thereof "or (3)"; and

(4) by inserting after "the ground that" in the clause redesignated as clause (3) (by paragraph (3) of this subsection) the following: "(i) notice, while not given to a responsible official designated by the employer pursuant to subsection (c) of this section, was given to an official of the employer or the employer's insurance carrier, and that the employer or carrier was not prejudiced due to the failure to provide notice to a responsible 98 STAT. 1649
official designated by the employer pursuant to subsection (c), or (ii)".

TIME FOR FILING CLAIM BASED ON OCCUPATIONAL DISEASE

SEC. 12. Section 13(b) is amended by inserting "(1)" after "(b)" and adding at the end thereof the following: 33 USC 913.

"(2) Notwithstanding the provisions of subsection (a), a claim for compensation for death or disability due to an occupational disease which does not immediately result in such death or disability shall be timely if filed within two years after the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the relationship between the employment, the disease, and the death or disability, or within one year of the date of the last payment of compensation, whichever is later.".

PAYMENT OF COMPENSATION

SEC. 13. (a) Section 14(b) is amended by striking out "employer" and inserting in lieu thereof "employer has been notified pursuant to section 12, or the employer". 33 USC 914.

(b) Section 14 is amended by striking out subsection (j) and by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

LIENS ON COMPENSATION

SEC. 14. Section 17 is amended— 33 USC 917.

(1) by striking out "(b)";

(2) by striking out "entitled to compensation under this Act" and inserting in lieu thereof "covered under this Act"; and

(3) by striking out "this Act, the Secretary may authorize" and inserting in lieu thereof "this Act or under a settlement, the Secretary shall authorize".

REVIEW OF COMPENSATION ORDER

33 USC 921.

SEC. 15. Section 21(b) is amended—

(1) by striking out "three" in paragraph (1) and inserting in lieu thereof "five";

(2) by adding the following sentence at the end of paragraph (1): "The Chairman shall have the authority, as delegated by the Secretary, to exercise all administrative functions necessary to operate the Board.";

(3) by striking out "two" each place it appears in paragraph (2) and inserting in lieu thereof "three"; and

(4) by adding the following new paragraph at the end thereof:

"(5) Notwithstanding paragraphs (1) through (4), upon application of the Chairman of the Board, the Secretary may designate up to four Department of Labor administrative law judges to serve on the Board temporarily, for not more than one year. The Board is authorized to delegate to panels of three members any or all of the powers which the Board may exercise. Each such panel shall have no more than one temporary member. Two members shall constitute a quorum of a panel. Official adjudicative action may be taken only on the affirmative vote of at least two members of a panel. Any party aggrieved by a decision of a panel of the Board may, within thirty days after the date of entry of the decision, petition the entire permanent Board for review of the panel's decision. Upon affirmative vote of the majority of the permanent members of the Board, the petition shall be granted. The Board shall amend its Rules of Practice to conform with this paragraph. Temporary members, while serving as members of the Board, shall be compensated at the same rate of compensation as regular members.".

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MODIFICATIONS OF AWARDS

33 USC 922.

SEC. 16. Section 22 is amended—

(1) by inserting "(including an employer or carrier which has been granted relief under section 8(f))" after "party in interest";

(2) by inserting "(including a case under which payments are made pursuant to section 44(i))" after "review a compensation case"; and

(3) by adding at the end thereof the following new sentence: "This section does not authorize the modification of settlements.".

FEES FOR SERVICES

33 USC 928.
Penalties.

SEC. 17. Section 28(e) is amended to read as follows:

"(e) A person who receives a fee, gratuity, or other consideration on account of services rendered as a representative of a claimant, unless the consideration is approved by the deputy commissioner, administrative law judge, Board, or court, or who makes it a business to solicit employment for a lawyer, or for himself, with respect to a claim or award for compensation under this Act, shall, upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or be imprisoned for not more than one year, or both.".

REPORTS

33 USC 930.

SEC. 18. (a) Section 30(a) is amended—

(1) by inserting after "injury" the first place it appears a comma and the following: "which causes loss of one or more shifts of work,"; and

(2) by adding at the end thereof the following new sentence: "Notwithstanding the requirements of this subsection, each employer shall keep a record of each and every injury regard-

less of whether such injury results in the loss of one or more shifts of work.".

(b) Section 30(e) is amended to read as follows:

"(e) Any employer, insurance carrier, or self-insured employer who knowingly and willfully fails or refuses to send any report required by this section or knowingly or willfully makes a false statement or misrepresentation in any such report shall be subject to a civil penalty not to exceed $10,000 for each such failure, refusal, false statement, or misrepresentation.".

Penalty.

PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

SEC. 19. Section 31 is amended to read as follows:

33 USC 931.

"PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

"SEC. 31. (a)(1) Any claimant or representative of a claimant who knowingly and willfully makes a false statement or representation for the purpose of obtaining a benefit or payment under this Act shall be guilty of a felony, and on conviction thereof shall be punished by a fine not to exceed $10,000, by imprisonment not to exceed five years, or by both.

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"(2) The United States attorney for the district in which the injury is alleged to have occurred shall make every reasonable effort to promptly investigate each complaint made under this subsection.

"(b)(1) No representation fee of a claimant's representative shall be approved by the deputy commissioner, an administrative law judge, the Board, or a court pursuant to section 28 of this Act, if the claimant's representative is on the list of individuals who are disqualified from representing claimants under this Act maintained by the Secretary pursuant to paragraph (2) of this subsection.

33 USC 928.

"(2)(A) The Secretary shall annually prepare a list of those individuals in each compensation district who have represented claimants for a fee in cases under this Act and who are not authorized to represent claimants. The names of individuals contained on the list required under this subparagraph shall be made available to employees and employers in each compensation district through posting and in such other forms as the Secretary may prescribe.

"(B) Individuals shall be included on the list of those not authorized to represent claimants under this Act if the Secretary determines under this section, in accordance with the procedure provided in subsection (j) of section 7 of this Act, that such individual—

Post, p. 1643.

"(i) has been convicted (without regard to pending appeal) of any crime in connection with the representation of a claimant under this Act or any workers' compensation statute;

"(ii) has engaged in fraud in connection with the presentation of a claim under this or any workers' compensation statute, including, but not limited to, knowingly making false representations, concealing or attempting to conceal material facts with respect to a claim, or soliciting or otherwise procuring false testimony;

"(iii) has been prohibited from representing claimants before any other workers' compensation agency for reasons of professional misconduct which are similar in nature to those which would be grounds for disqualification under this paragraph; or

"(iv) has accepted fees for representing claimants under this Act which were not approved, or which were in excess of the amount approved pursuant to section 28.

33 USC 928.

"(C) Notwithstanding subparagraph (B), no individual who is on the list required to be maintained by the Secretary pursuant to this section shall be prohibited from presenting his or her own claim or from representing without fee, a claimant who is a spouse, mother, father, sister, brother, or child of such individual.

"(D) A determination under subparagraph (A) shall remain in effect for a period of not less than three years and until the Secretary finds and gives notice to the public that there is reasonable assurance that the basis for the determination will not reoccur.

"(3) No employee shall be liable to pay a representation fee to any representative whose fee has been disallowed by reason of the operation of this paragraph.

Regulations.

"(4) The Secretary shall issue such rules and regulations as are necessary to carry out this section.

"(c) A person including, but not limited to, an employer, his duly authorized agent, or an employee of an insurance carrier who knowingly and willfully makes a false statement or representation

33 USC 909.

for the purpose of reducing, denying, or terminating benefits to an injured employee, or his dependents pursuant to section 9 if the injury results in death, shall be punished by a fine not to exceed $10,000, by imprisonment not to exceed five years, or by both.".

SECURITY FOR COMPENSATION

33 USC 932.

SEC. 20. Section 32(a)(2) is amended by inserting "based on the employer's financial condition, the employer's previous record of payments, and other relevant factors," after "in an amount determined by the commission,".

COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

33 USC 933.

SEC. 21. (a) Section 33(b) is amended to read as follows:

"(b) Acceptance of compensation under an award in a compensation order filed by the deputy commissioner, an administrative law judge, or the Board shall operate as an assignment to the employer of all rights of the person entitled to compensation to recover damages against such third person unless such person shall commence an action against such third person within six months after such acceptance. If the employer fails to commence an action against such third person within ninety days after the cause of action is assigned under this section, the right to bring such action shall revert to the person entitled to compensation. For the purpose of this subsection, the term 'award' with respect to a compensation order means a formal order issued by the deputy commissioner, an administrative law judge, or Board.".

(b) Section 33(e)(2) is amended by striking out ", less one-fifth of such excess which shall belong to the employer".

(c) Section 33(f) is amended—

(1) by inserting "net" before "amount recovered"; and

(2) by adding at the end thereof the following: "Such net amount shall be equal to the actual amount recovered less the expenses reasonably incurred by such person in respect to such proceedings (including reasonable attorneys' fees).".

(d) Section 33(g) is amended to read as follows:

"(g)(1) If the person entitled to compensation (or the person's representative) enters into a settlement with a third person referred to in subsection (a) for an amount less than the compensation to which the person (or the person's representative) would be entitled under this Act, the employer shall be liable for compensation as determined under subsection (f) only if written approval of the settlement is obtained from the employer and the employer's carrier, before the settlement is executed, and by the person entitled to compensation (or the person's representative). The approval shall be made on a form provided by the Secretary and shall be filed in the office of the deputy commissioner within thirty days after the settlement is entered into.

"(2) If no written approval of the settlement is obtained and filed as required by paragraph (1), or if the employee fails to notify the employer of any settlement obtained from or judgment rendered against a third person, all rights to compensation and medical benefits under this Act shall be terminated, regardless of whether the employer or the employer's insurer has made payments or acknowledged entitlement to benefits under this Act.

33 USC 944.

"(3) Any payments by the special fund established under section 44 shall be a lien upon the proceeds of any settlement obtained from or judgment rendered against a third person referred to under subsection (a). Notwithstanding any other provision of law, such lien shall be enforceable against such proceeds, regardless of whether the Secretary on behalf of the special fund has agreed to or has received actual notice of the settlement or judgment.

"(4) Any payments by a trust fund described in section 17 shall be a lien upon the proceeds of any settlement obtained from or judgment recorded against a third person referred to under subsection (a). Such lien shall have priority over a lien under paragraph (3) of this subsection.". 33 USC 917.

PENALTY FOR FAILURE TO SECURE PAYMENT

SEC. 22. Section 38 is amended by striking out "$1,000" each place it appears in subsections (a) and (b) and inserting in lieu thereof "$10,000". 33 USC 938.

ANNUAL REPORT

SEC. 23. The Act is amended by inserting the following new section after section 41:

"ANNUAL REPORT

"SEC. 42. The Secretary shall make to Congress at the beginning of each regular session, commencing at the beginning of the second regular session after the enactment of the Longshore and Harbor Workers' Compensation Act Amendments of 1984, a report of the administration of this Act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the fund established in section 44, together with such recommendations as the Secretary deems advisable.". 33 USC 942. *Ante*, p. 1639. 33 USC 944.

SPECIAL FUND

SEC. 24. (a) Section 44(c)(2) is amended to read as follows: 33 USC 944.

"(2) At the beginning of each calendar year the Secretary shall estimate the probable expenses of the fund during that calendar year and the amount of payments required (and the schedule therefor) to maintain adequate reserves in the fund. Each carrier and self-insurer shall make payments into the fund on a prorated assessment by the Secretary determined by—

"(A) computing the ratio (expressed as a percent) of (i) the carrier's or self-insured's workers' compensation payments under this Act during the preceding calendar year, to (ii) the total of such payments by all carriers and self-insureds under this Act during such year;

"(B) computing the ratio (expressed as a percent) of (i) the payments under section 8(f) of this Act during the preceding calendar year which are attributable to the carrier or self-insured, to (ii) the total of such payments during such year attributable to all carriers and self-insureds; *Ante*, p. 1645.

"(C) dividing the sum of the percentages computed under subparagraphs (A) and (B) for the carrier or self-insured by two; and

"(D) multiplying the percent computed under subparagraph (C) by such probable expenses of the fund (as determined under the first sentence of this paragraph).".

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(b) Section 44 is further amended by striking out subsection (e) and by redesignating subsections (f) through (k) as subsections (e) through (j), respectively. 33 USC 944.

(c) Section 44(h) (as redesignated pursuant to subsection (b)) is amended by inserting "and unpaid assessments" after "civil penalties".

(d) Section 44(i) (as redesignated pursuant to subsection (b)) is amended—

(1) in paragraph (1), by striking out "and 11", by inserting "certain" before "initial", and by striking out "which occurred prior to the effective date of this subsection"; and

(2) in paragraph (4), by inserting "(e)" after "section 7".

(e) Section 44(j) (as redesignated pursuant to subsection (b)) is amended to read as follows:

Audit.
Ante, p. 1653.

"(j) The fund shall be audited annually and the results of such audit shall be included in the annual report required by section 42.".

REPEALS

33 USC 945-947.

SEC. 25. Sections 45, 46, and 47 are repealed.

DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

33 USC 948a.

SEC. 26. (a) Section 49 is amended by inserting after the first sentence the following new sentence: "The discharge or refusal to employ a person who has been adjudicated to have filed a fraudulent claim for compensation is not a violation of this section.".

(b) The second sentence of section 49 is amended—

(1) by striking out "$100" and inserting in lieu thereof "$1,000"; and

(2) by striking out "$1,000" and inserting in lieu thereof "$5,000".

CONFORMING AMENDMENTS

33 USC 901.

SEC. 27. (a) The Longshoremen's and Harbor Workers' Compensation Act is further amended—

33 USC 902.

(1) striking out paragraph (6) of section 2 and inserting in lieu thereof the following:

"(6) The term 'Secretary' means the Secretary of Labor.";

33 USC 901 *et seq.*

(2) by striking out "commission" each place it appears and inserting in lieu thereof "Secretary"; and

(3) by striking out "commission's" and inserting in lieu thereof "Secretary's".

33 USC 918.

(b) Section 18(b) is amended by striking out ", including the right of lien and priority provided for by section 17 of this Act,".

33 USC 939.

(c) Section 39(a) is amended by striking out "United States Employees' Compensation Commission" and inserting in lieu thereof "Secretary".

33 USC 901.

(d)(1) Section 1 is amended by striking out "Longshoremen's" and inserting in lieu thereof "Longshore".

33 USC 901 note.

(2) Reference in any other statute, regulation, order, or other document to the Longshoremen's and Harbor Workers' Compensation Act shall be deemed to refer to the Longshore and Harbor Workers' Compensation Act.

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EFFECTIVE DATE

33 USC 901 note.

SEC. 28. (a) Except as otherwise provided in this section, the amendments made by this Act shall be effective on the date of enactment of this Act and shall apply both with respect to claims filed after such date and to claims pending on such date.

(b) The amendments made by sections 7(a), 7(e), 8(f), 11(b), 11(c), and 13 shall be effective 90 days after the date of enactment of this Act and shall apply both with respect to claims filed after such 90th day and to claims pending on such 90th day.

(c) The amendments made by sections 2(a), 3(a), 5, and 8(b) shall apply with respect to any injury after the date of enactment of this Act.

(d) The amendments made by sections 6(a), 8(d), and 9 shall apply with respect to any death after the date of enactment of this Act.

(e)(1) The amendments made by sections 2(c), 8(c)(1), 8(e)(4), 8(e)(5), 8(g), 10(b), 15 through 20, and 22 through 27 shall be effective on the date of enactment of this Act.

(2) The amendments made by sections 7(b), 7(c), 7(d), and 8(h) shall be effective 90 days after the date of enactment of this Act.

(f) The amendments made by section 6(b) shall apply with respect to any injury, disability, or death after the date of enactment of this Act.

(g) For the purpose of this section—

(1) in the case of an occupational disease which does not immediately result in a disability or death, an injury shall be deemed to arise on the date on which the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the disease; and

(2) the term "disability" has the meaning given such term by section 2(10) of the Act as amended by this Act.

Ante, p. 1639.

(h)(1) The amendments made by section 7 of this Act shall not apply to claims filed under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

33 USC 907 note.

(2) Section 422(a) of the Black Lung Benefits Act is amended by striking out "During" and inserting in lieu thereof "Subject to section 28(h)(1) of the Longshore and Harbor Workers' Compensation Act Amendments of 1984, during".

30 USC 932.

Approved September 28, 1984.

LEGISLATIVE HISTORY—S. 38:

HOUSE REPORTS: No. 98-570 and Part 2 (Comm. on Education and Labor) and No. 98-1027 (Comm. of Conference).
SENATE REPORT No. 98-81 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): June 16, considered and passed Senate.
Vol. 130 (1984): Apr. 9, 10, considered and passed House, amended.
Sept. 18, House agreed to conference report.
Sept. 20, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 39 (1984):
Sept. 28, Presidential statement.

Public Law 98-457
98th Congress

98 STAT. 1749

An Act

To extend and improve provisions of laws relating to child abuse and neglect and adoption, and for other purposes.

Oct. 9, 1984
[H.R. 1904]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Amendments of 1984".

Child Abuse Amendments of 1984.
42 USC 5101 note.

TITLE I—AMENDMENTS TO CHILD ABUSE PREVENTION AND TREATMENT ACT

PART A—PROGRAM IMPROVEMENTS

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. (a) Section 2(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(a)) (hereinafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(b) Clauses (6) and (7) of section 2(b) of the Act are amended to read as follows:

"(6) study and investigate the national incidence of child abuse and neglect and make findings about any relationship between nonpayment of child support and between various

Study.

other factors and child abuse and neglect, and the extent to which incidents of child abuse and neglect are increasing in number and severity, and, within two years after the date of the enactment of the Child Abuse Amendments of 1984, submit such findings to the appropriate Committees of the Congress together with such recommendations for administrative and legislative changes as are appropriate; and

Reports.

"(7) in consultation with the Advisory Board on Child Abuse and Neglect, annually prepare reports on efforts during the preceding two-year period to bring about coordination of the goals, objectives, and activities of agencies and organizations which have responsibilities for programs and activities related to child abuse and neglect, and, not later than March 1, 1985, and March 1 of each second year thereafter, submit such a report to the appropriate Committees of the Congress.".

(c) Section 2(c) of the Act is amended by striking out "The Secretary may carry out his functions under subsection (b) of this section" and inserting in lieu thereof "The functions of the Secretary under subsection (b) of this section may be carried out".

(d) Section 2 of the Act is further amended by inserting after subsection (d) the following new subsection:

"(e) No funds appropriated under this Act for any grant or contract may be used for any purpose other than that for which such funds were specifically authorized.".

98 STAT. 1750

DEFINITIONS

Post, p. 1752.

SEC. 102. Section 3 of the Act is amended—

(1) by inserting "(including any employee of a residential facility or any staff person providing out-of-home care)" after "by a person";

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clause:

"(2)(A) the term 'sexual abuse' includes—

"(i) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct, or

"(ii) the rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children,

under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary; and

"(B) for the purpose of this clause, the term 'child' or 'children' means any individual who has not or individuals who have not attained the age of eighteen.".

DEMONSTRATION OR SERVICE PROGRAMS AND PROJECTS

Grants.
42 USC 5103.

SEC. 103. (a) Section 4(b)(2)(E) of the Act is amended by striking out "his" and inserting in lieu thereof "and the child's".

(b) Section 4(b)(3) of the Act is amended to read as follows:

Waiver.

"(3)(A) Subject to subparagraph (B) of this paragraph, any State which on the date of enactment of the Child Abuse Amendments of 1984 does not qualify for assistance under this subsection may be granted a waiver of any requirement under paragraph (2) of this subsection—

Ante, p. 1749.

"(i) for a period of not more than one year, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement, and for a second one-year period if the Secretary makes a finding that such State is making substantial progress to achieve such compliance; or "(ii) for a nonrenewable period of not more than two years in the case of a State the legislature of which meets only biennially, if the Secretary makes a finding that such State is making a good-faith effort to comply with any such requirement.

"(B) No waiver under subparagraph (A) may apply to any requirement under paragraph (2)(K) of this subsection.". *Post*, p. 1752.

(c) Section 4 of the Act is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) The Secretary, in consultation with the Advisory Board on Child Abuse and Neglect, shall ensure that a proportionate share of assistance under this Act is available for activities related to the prevention of child abuse and neglect.".

98 STAT. 1751

AUTHORIZATION OF APPROPRIATIONS

Sec. 104. (a) Section 5(a) of the Act is amended— 42 USC 5104.

(1) by striking out "(a)" after "Sec. 5.";

(2) by inserting after the first sentence the following new sentence: "There are hereby further authorized to be appropriated for the purposes of this Act $33,500,000 for fiscal year 1984, $40,000,000 for fiscal year 1985, $41,500,000 for fiscal year 1986, and $43,100,000 for fiscal year 1987."; and

(3) in the second sentence by striking out "this section" and all that follows through the end of such subsection, and inserting in lieu thereof "this section except as provided in the succeeding sentence, (A) not less than $9,000,000 shall be available in each fiscal year to carry out section 4(b) of this Act (relating to State grants), (B) not less than $11,000,000 shall be available in each fiscal year to carry out sections 4(a) (relating to demonstration or service projects), 2(b)(1) and 2(b)(3) (relating to information dissemination), 2(b)(5) (relating to research), and 4(c)(2) (relating to training, technical assistance, and information dissemination) of this Act, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstated effectiveness, (C) $5,000,000 shall be available in each such year for grants and contracts under section 4(a) for identification, treatment, and prevention of sexual abuse, and (D) $5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 4(c)(1) of this Act. With respect to any fiscal year in which the total amount appropriated under this section is less than $30,000,000, funds shall first be available as provided in clauses (A) and (B) in the preceding sentence and of the remainder one-half shall be available as provided for in clause (C) and one-half as provided for in clause (D) in the preceding sentence.".

42 USC 5103.

42 USC 5101.

Post, p. 1753.

(b) Section 5(b) of the Act is repealed. 42 USC 5104.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

Sec. 105. (a) The first sentence of section 6(a) of the Act is amended by striking out "including" and all that follows thereafter through "Administration,". 42 USC 5105.

(b) Section 6(a) of the Act is further amended by inserting at the end thereof the following sentence: "The Advisory Board may be available, at the Secretary's request, to assist the Secretary in coordinating adoption-related activities of the Federal Government.".

(c)(1) Section 6(b) of the Act is repealed.

(2) Subsection (c) of section 6 of the Act is redesignated as subsection (b).

COORDINATION

42 USC 5106.

SEC. 106. Section 7 of the Act is amended by striking out "between" and inserting in lieu thereof "among".

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PART B—SERVICES AND TREATMENT FOR DISABLED INFANTS

NEW DEFINITION

42 USC 5102.

SEC. 121. Section 3 of the Act is further amended—

(1) by striking out "this Act the term 'child abuse and neglect' " and inserting in lieu thereof the following: "This Act—

"(1) the term 'child abuse and neglect' ";

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding after clause (2) (as added by section 102(3) of this Act) the following new clause:

"(3) the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment, (A) the infant is chronically and irreversibly comatose; (B) the provision of such treatment would (i) merely prolong dying, (ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or (iii) otherwise be futile in terms of the survival of the infant; or (C) the provision of such treatment would be virtually futile in terms of the survivial of the infant and the treatment itself under such circumstances would be inhumane.".

NEW BASIC STATE GRANT REQUIREMENT

SEC. 122. Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2)) is amended—

(1) by striking out "and" at the end of clause (I);

(2) by striking out the period at the end of clause (J) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by inserting after clause (J) the following new clause:

Ante, p. 1749.

"(K) within one year after the date of the enactment of the Child Abuse Amendments of 1984, have in place for the purpose of responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for (i) coordination and consultation with individuals designated by and within appropriate health-care facilities, (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), and (iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.".

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ADDITIONAL STATE GRANTS AND ASSISTANCE FOR TRAINING, TECHNICAL ASSISTANCE, AND CLEARINGHOUSE ACTIVITIES

SEC. 123. (a) Section 4 of the Act is further amended by— 42 USC 5103.

(1) redesignating subsection (c) as subsection (d), subsection (d) as subsection (e), and subsection (e) as subsection (f); and

(2) inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary is authorized to make additional grants to the States for the purpose of developing, establishing, and operating or implementing— Public information.

"(A) the procedures or programs required under clause (K) of subsection (b)(2) of this section; *Ante*, p. 1752.

"(B) information and education programs or training programs for the purpose of improving the provision of services to disabled infants with life-threatening conditions for (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities, and (ii) the parents of such infants; and

"(C) programs to help in obtaining or coordinating necessary services, including existing social and health services and financial assistance for families with disabled infants with life-threatening conditions, and those services necessary to facilitate adoptive placement of such infants who have been relinquished for adoption.

"(2)(A) The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for (i) training and technical assistance programs to assist States in developing, establishing, and operating or implementing programs and procedures meeting the requirements of clause (K) of subsection (b)(2) of this section; and (ii) the establishment and operation of national and regional information and resource clearinghouses for the purpose of providing the most current and complete information regarding medical treatment procedures and resources and community resources for the provision of services and treatment for disabled infants with life-threatening conditions (including compiling, maintaining, updating, and disseminating regional directories of community services and resources (including the names and phone numbers of State and local medical organizations) to assist parents, families, and physicians and seeking to coordinate the availability of appropriate regional education resources for health-care personnel). Contracts with U.S.

"(B) Not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph. 42 USC 5104.

"(C) Not later than 210 days after the date of the enactment of the Child Abuse Amendments of 1984, the Secretary shall have the capability of providing and begin to provide the training and technical assistance described in subparagraph (A) of this paragraph.". *Ante*, p. 1749.

(b) Section 4 of the Act is further amended by adding after paragraph (3) the following new paragraph: 42 USC 5103.

"(4) Programs or projects related to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), (F), and (K) of paragraph (2).". 42 USC 620.

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REGULATIONS AND GUIDELINES

SEC. 124. (a)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this part referred to as the "Secretary") shall publish proposed regulations to implement the requirements of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act). 42 USC 5103 note. *Ante*, p. 1752.

(2) Not later than 180 days after the date of the enactment of this

Act and after completion of a process of not less than 60 days for notice and opportunity for public comment, the Secretary shall publish final regulations under this subsection.

(b)(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall publish interim model guidelines to encourage the establishment within health-care facilities of committees which would serve the purposes of educating hospital personnel and families of disabled infants with life-threatening conditions, recommending institutional policies and guidelines concerning the withholding of medically indicated treatment (as that term is defined in clause (3) of section 3 of the Act (as added by section 121(3) of this Act)) from such infants, and offering counsel and review in cases involving disabled infants with life-threatening conditions. *Ante*, p. 1752.

(2) Not later than 180 days after the date of the enactment of this Act and after completion of a period of not less than 60 days for notice and opportunity for public comment, the Secretary shall publish the model guidelines.

REPORT ON FINANCIAL RESOURCES

Study.
42 USC 1305.

SEC. 125. The Secretary shall conduct a study to determine the most effective means of providing Federal financial support, other than the use of funds provided through the Social Security Act, for the provision of medical treatment, general care, and appropriate social services for disabled infants with life-threatening conditions. Not later than 270 days after the date of the enactment of this Act, the Secretary shall report the results of the study to the appropriate Committees of the Congress and shall include in the report such recommendations for legislation to provide such financial support as the Secretary considers appropriate.

IMPLEMENTATION REPORT

42 USC 5103 note.

SEC. 126. Not later than October 1, 1987, the Secretary shall submit to the appropriate Committees of the Congress a detailed report on the implementation and the effects of the provisions of this part and the amendments made by it.

STATUTORY CONSTRUCTION

42 USC 5101 note.
29 USC 794.

SEC. 127. (a) No provision of this Act or any amendment made by this Act is intended to affect any right or protection under section 504 of the Rehabilitation Act of 1973.

(b) No provision of this Act or any amendment made by this Act may be so construed as to authorize the Secretary or any other governmental entity to establish standards prescribing specific medical treatments for specific conditions, except to the extent that such standards are authorized by other laws.

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Provisions held invalid.

(c) If the provisions of any part of this Act or any amendment made by this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATES

42 USC 5102 note.

SEC. 128. (a) Except as provided in subsection (b), the provisions of this part or any amendment made by this part shall be effective on the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendments made by sections 122 and 123(b) of this Act shall become effective one year after the date of such enactment.

Waiver.

(2) In the event that, prior to such effective date, funds have not been appropriated pursuant to section 5 of the Act (as amended by section 104 of this Act) for the purpose of grants under section 4(c)(1) of the Act (as added by section 123(a) of this Act), any State which has not met any requirement of section 4(b)(2)(K) of the Act (as added by section 122(3) of this Act) may be granted a waiver of *Ante*, p. 1753. *Ante*, p. 1752.

such requirements for a period of not more than one year, if the Secretary finds that such State is making a good-faith effort to comply with such requirements.

TITLE II—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

FINDINGS AND DECLARATION OF PURPOSE

SEC. 201. (a) The first sentence of section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) (hereinafter in this title referred to as "the Act") is amended—

(1) by inserting "the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and that some such children are in need of placement in permanent, adoptive homes; that" after "finds that"; and

(2) by inserting "have medically indicated treatment withheld from them, nor" after "should not".

(b) The second sentence of section 201 of the Act is amended—

(1) by inserting a comma and "including disabled infants with life-threatening conditions," after "special needs"; and

(2) by amending clause (2) to read as follows:

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) coordinate with other Federal departments and agencies, including the Bureau of the Census, to provide for a national adoption and foster care information data-gathering and analysis system; and

"(C) maintain a national adoption exchange to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.".

MODEL ADOPTION LEGISLATION AND PROCEDURES

SEC. 202. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 42 USC 5112.

(b) Section 202(c) of the Act is amended by inserting at the end thereof the following new sentence: "The Secretary shall coordinate efforts to improve State legislation with national, State, and local child and family services organizations, including organizations representative of minorities and adoptive families.".

(c) Section 202 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d) The Secretary shall review all model adoption legislation and procedures published under this section and propose such changes as are considered appropriate to facilitate adoption opportunities for disabled infants with life-threatening conditions.".

INFORMATION AND SERVICES

SEC. 203. (a) Section 203(a) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services". 42 USC 5113.

(b)(1) Section 203(a) of the Act is further amended by inserting before the period at the end thereof a comma and "including services to facilitate the adoption of children with special needs and particularly of disabled infants with life-threatening conditions and services to couples considering adoption of children with special needs".

(c)(1) Section 203(b) of the Act is amended by striking out in the matter preceding clause (1) "subsection (a) of this section" and inserting in lieu thereof "this title".

(2) Section 203(b)(1) of the Act is amended to read as follows:

"(1) provide (after consultation with other appropriate Federal departments and agencies, including the Bureau of the Census and appropriate State and local agencies) for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system;".

(3) Section 203(b) of the Act is further amended—

(A) by striking out "parent groups" in clause (4) and inserting in lieu thereof "adoptive family groups and minority groups";

(B) by striking out "and" at the end of clause (4);

(C) by redesignating clause (5) as clause (7) and by inserting immediately after clause (4) the following new clauses:

"(5) encourage involvement of corporations and small businesses in supporting adoption as a positive family-strengthening option, including the establishment of adoption benefit programs for employees who adopt children;

"(6) continue to study the nature, scope, and effects of the placement of children in adoptive homes (not including the homes of stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity; and"; and

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(D) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services" in clause (7) (as redesignated by clause (C) of this paragraph).

AUTHORIZATION OF APPROPRIATIONS

42 USC 5115.

Sec. 204. Section 205 of the Act is amended by striking out "and" after "1978," and by inserting a comma and "and $5,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987," after "fiscal years".

Family Violence Prevention and Services Act.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

42 USC 10401 note.

Sec. 301. This title may be cited as the "Family Violence Prevention and Services Act".

DECLARATION OF PURPOSE

42 USC 10401.

Sec. 302. It is the purpose of this title to—

(1) demonstrate the effectiveness of assisting States in efforts to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and

(2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies), nonprofit private organizations, and other persons seeking such assistance.

STATE DEMONSTRATION GRANTS AUTHORIZED

42 USC 10402.

Sec. 303. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make demonstration grants to States.

(2) No demonstration grant may be made under this subsection unless the chief executive officer of the State seeking such grant

submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in demonstration grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not more than 5 percent of such funds will be used for State administrative costs; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;

(C) set forth procedures designed to involve knowledgeable individuals and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this title and for coordination of related programs within the State;

(E) provide assurances that procedures will be developed to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this title and provide assurances that the address or location of any shelter-facility assisted under this title will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(F) provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence; and

(G) meet such requirements as the Secretary reasonably determines are necessary to carry out the purposes and provisions of this title.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after opportunity for correction of any deficiencies.

Indians.

(b)(1) The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No demonstration grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), and (E) of subsection (a)(2).

(c) No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any such single entity may not exceed $150,000. A single entity may not be awarded demonstration grants under this section for a total period in excess of three fiscal years.

(d) No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

(e) No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title.

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(f) No demonstration grant may be made under this section to any entity other than a State unless the entity provides for the following local share as a proportion of the total amount of funds provided under this title to the project involved: 35 percent in the first year such project receives a grant under this title, 55 percent in the second such year, and 65 percent in the third such year. Except in the case of a public entity, not less than 50 percent of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

(g) The Secretary shall assure that not less than 60 percent of the funds distributed under subsection (a) or (b) shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents.

ALLOTMENT OF FUNDS

42 USC 10403.

SEC. 304. (a) From the sums appropriated under section 310 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303(a) an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $50,000; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

(c) If the sums appropriated under section 310 for any fiscal year for grants to States authorized under section 303(a) are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to a State has not been made available to such State in grants under section 303(a) because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amount to States which meet such requirements.

(2) Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

SECRETARIAL RESPONSIBILITIES

SEC. 305. (a) The Secretary shall appoint an employee of the Department of Health and Human Services to carry out the provisions of this title. The individual appointed under this subsection shall, prior to such appointment, have had expertise in the field of family violence prevention and services. 42 USC 10404.

(b) The Secretary shall—

(1) coordinate all programs within the Department of Health and Human Services, and seek to coordinate all other Federal programs, which involve the prevention of incidents of family violence and the provision of assistance for victims and potential victims of family violence and their dependents, and ensure that such activities as they relate to elderly persons are coordinated with the Administration on Aging and the National Institute on Aging within the Department of Health and Human Services;

(2)(A) provide for research into the causes of family violence, and into the prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, and (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and Study.

(3) provide for the training of personnel and provide technical assistance in the conduct of programs for the prevention and treatment of family violence.

EVALUATION

SEC. 306. Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this title, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the assurances provided to the Secretary under section 303(a)(2)(F). Report. 42 USC 10405.

DISCRIMINATION PROHIBITED

SEC. 307. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance. 42 USC 10406. 42 USC 6101 note. 29 USC 794. 20 USC 1681. 42 USC 2000d.

(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.

42 USC 2000d-1.
42 USC 2000d-2.

Compliance and enforcement.

(b) Whenever the Secretary finds that a State or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If, within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted,

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, sections 504 and 505 of the Rehabilitation Act of 1973, or title IX of the Education Amendments of 1972, as may be applicable, or

(3) take such other action as may be provided by law.

42 USC 2000d.
42 USC 6101 note.
29 USC 794, 794a.
20 USC 1681.
Courts, U.S.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE PREVENTION

Public information.
42 USC 10407.

SEC. 308. (a) The Secretary shall operate a national information and research clearinghouse on the prevention of family violence (including the abuse of elderly persons) in order to—

(1) collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance to victims of family violence and their dependents; and

(2) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and related assistance to victims of family violence and their dependents.

(b) The Secretary shall ensure that the activities of the national information and research clearinghouse operated under subsection (a) are coordinated with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act.

42 USC 5101.

DEFINITIONS

42 USC 10408.

SEC. 309. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) The terms "Indian tribe" and "tribal organization" have the same meanings given such terms in subsections (b) and (c), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act. 25 USC 450b.

(3) The terms "Secretary" means the Secretary of Health and Human Services.

(4) The terms "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(5) The term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) There are authorized to be appropriated to carry out the provisions of this title $11,000,000 for fiscal year 1985 and $26,000,000 for each of the fiscal years 1986 and 1987. 42 USC 10409.

(b) Of the sums appropriated under subsection (a) for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS

SEC. 311. (a) From the amount appropriated pursuant to section 310 for any fiscal year, the Secretary shall make grants and enter into contracts for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and State law enforcement agencies with means for responding to incidents of family violence. 42 USC 10410.

(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

(c) The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General from funds appropriated under section 310 not in excess of $2,000,000 for each fiscal year to be used for the purpose of making grants under this section.

ADMINISTRATION AND STATUTORY CONSTRUCTION

42 USC 10411.

SEC. 312. (a) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

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(3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and

(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.

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(b) Grants and contracts under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Secretary may require by regulation. In selecting grant and contract recipients, the Secretary shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

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(c) The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General from funds appropriated under section 310 not in excess of $2,000,000 for each fiscal year to be used for the purpose of making grants under this section.

ADMINISTRATION AND STATUTORY CONSTRUCTION

42 USC 10412.

SEC. 312. (a) In order to carry out the provisions of this title, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

Grants.
Contracts with U.S.
Regulations.

(3) make grants to public and nonprofit private entities or enter into contracts with public or private entities; and

(4) prescribe such regulations as are reasonably necessary in order to carry out the purposes and provisions of this title.

(b) Nothing in this title shall be construed to supersede the application of State or local requirements for the reporting of incidents of suspected child abuse to the appropriate State authorities.

Approved October 9, 1984.

LEGISLATIVE HISTORY—H.R. 1904 (S. 1003):

HOUSE REPORTS: No. 98-159 (Comm. on Education and Labor) and No. 98-1038 (Comm. on Conference).
SENATE REPORT No. 98-246 accompanying S. 1003 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Feb. 2, considered and passed House.
July 26, considered and passed Senate, amended, in lieu of S. 1003.
Sept. 26, House agreed to conference report.
Sept. 28, Senate agreed to conference report.

Public Law 98-459
98th Congress

98 STAT. 1767

An Act

To extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

Oct. 9, 1984
[S. 2603]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Older Americans Act Amendments of 1984.

SHORT TITLE

SECTION 1. This Act may be cited as the "Older Americans Act Amendments of 1984".

42 USC 3001 note.

TITLE I—OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (hereafter in this Act referred to as "the Act") (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Act (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(8) of the Act (42 U.S.C. 3001(8)) is amended by inserting before the period a comma and "with emphasis on maintaining a continuum of care for the vulnerable elderly".

(c) Section 101(10) of the Act (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

ADMINISTRATION ON AGING

SEC. 201. Section 201(a) of the Act (42 U.S.C. 3011(a)) is amended—

(1) by striking out "principal" in the second sentence,

(2) by striking out "his functions" in the second sentence and inserting in lieu thereof "the functions of the Administration",

(3) by inserting after the second sentence the following: "There shall be a direct reporting relationship between the Commissioner and the Office of the Secretary.", and

(4) by inserting "or require" after "approve" in the last sentence.

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FUNCTIONS OF ADMINISTRATION ON AGING

SEC. 202. (a) Section 202(a) of the Act (42 U.S.C. 3012(a)) is amended—

(1) in clause (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(2) in clause (9) by inserting after the word "aging" a comma and "including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967",

(3) in clause (16) by striking out "and" the last time it appears,

(4) in clause (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new clause:

"(18) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(b) Section 202(b)(1) of the Act (42 U.S.C. 3012(b)(1)) is amended by inserting before the semicolon "and with utilization and quality control peer review organizations under title XI of the Social Security Act". 42 USC 1301.

(c) Section 202(c) of the Act (42 U.S.C. 3012(c)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Administration".

FEDERAL AGENCY CONSULTATION

SEC. 203. (a) Section 203(b)(1) of the Act (42 U.S.C. 3013(b)(1)) is amended to read as follows:

29 USC 1501 note. "(1) the Job Training Partnership Act,".

(b) Section 203(b)(3) of the Act (42 U.S.C. 3013(b)(3)) is amended by striking out "XVIII, XIX, and XX" and inserting in lieu thereof "XVI, XVIII, XIX, and XX".

(c) Section 203(b)(8) of the Act (42 U.S.C. 3013(b)(8)) is amended—

(1) by striking out "the community schools program under the Elementary and Secondary Education Act of 1965,", and

(2) by striking out "1965, and" and inserting in lieu thereof "1965 and".

(d) Section 203(b)(9) of the Act (42 U.S.C. 3013(b)(9)) is amended by striking out "5,".

(e) Section 203(b) of the Act (42 U.S.C. 3013(b)) is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following:

42 USC 201 note. "(10) the Public Health Service Act,

42 USC 8621 note. "(11) the Low-Income Home Energy Assistance Act of 1981,

42 USC 6861. "(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,

42 USC 9901 note. "(13) the Community Services Block Grant Act, and

"(14) demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code.".

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FEDERAL COUNCIL ON THE AGING

SEC. 204. (a) Section 204(a) of the Act (42 U.S.C. 3015(a)) is amended to read as follows:

Establishment. "(a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban older individuals, national organizations with an interest in aging, business, labor, minorities, and the general public. At least two of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

"(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).". *Ante*, p. 1767.

(b) Section 204(b)(1) of the Act (42 U.S.C. 3015(b)(1)) is amended to read as follows:

"(1)(A) The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.

"(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

"(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

"(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.".

(c)(1) Section 204(b)(2) of the Act (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(2) Section 204(c) of the Act (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(3) Section 204(d) of the Act (42 U.S.C. 3015(d)) is amended by striking out clause (2) and by redesignating clauses (3), (4), (5), and (6) as clauses (2), (3), (4), and (5), respectively.

(4) Section 204(e) of the Act (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Act (42 U.S.C. 3015(g)) is amended—

(1) by striking out "$200,000" and all that follows through "1983, and", and

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(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 205. (a) Section 205(b) of the Act (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administration".

(b) Section 205 of the Act (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

Federal Register, publication.
Ante, p. 1767.

"(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.".

EVALUATION

Prohibition.
42 USC 3161.

SEC. 206. (a) The first sentence of section 206(b) of the Act (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

Minorities.

(b) Section 206(c) of the Act (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(d) of the Act (42 U.S.C. 3017(d)) is amended—

(1) by inserting after "effectiveness" a comma and the following: "including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f)", and

(2) by inserting after "Congress" a comma and the following: "be disseminated to Federal, State, and local agencies and private organizations with an interest in aging,".

(d) The first sentence of section 206(g) of the Act (42 U.S.C. 3017(g)) is amended—

(1) by striking "1 per centum" and inserting in lieu thereof "one-tenth of 1 percent",

(2) by inserting after "Act" the following: "for each fiscal year", and

(3) by striking out "$1,000,000 whichever is greater" and inserting in lieu thereof "$300,000 whichever is lower".

REPORTS

SEC. 207. (a) Section 207 of the Act (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

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(b) Section 207 of the Act is amended by inserting "(a)" after the section designation, and adding at the end thereof the following new subsection:

Ante, p. 1767.

Post, p. 1774.

"(b) Not later than 2 years after enactment of the Older Americans Act Amendments of 1984, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention of the abuse of individuals is unmet, based on information gathered pursuant to section 306(a)(6)(J).".

REDUCTION OF PAPERWORK

SEC. 208. Section 211 of the Act (42 U.S.C. 3020b) is amended by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

GENERAL PROVISIONS

SEC. 301. The matter preceding clause (1) of section 301(a) of the Act (42 U.S.C. 3021(a)) is amended—

(1) by striking out "local agencies" and inserting in lieu thereof "area agencies" each time it appears,

(2) by inserting after "development" the following: "and implementation",

(3) by adding after "providers" a comma and "including voluntary organizations,", and

(4) by striking "for the provision of" after the word "planning".

DEFINITIONS

SEC. 302. Section 302 of the Act (42 U.S.C. 3022) is amended—

(1) in paragraph (2)(B)—

(A) by inserting after "employs" a comma and the following: "where feasible,", and

(B) by inserting after "staff" the following: "to assess the needs and capacities of older individuals,",

(2) in paragraph (4) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(3) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

(4) by adding at the end thereof the following new paragraphs:

"(10) The term 'older individual' means any individual who is 60 years of age or older.

"(11) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health, social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

"(12) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$325,700,000 for fiscal year 1985, $343,600,000 for fiscal year 1986, and $361,500,000 for fiscal year 1987,".

(b) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$360,800,000 for fiscal year 1985, $376,500,000 for fiscal year 1986, and $395,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$69,100,000 for fiscal year 1985, $72,000,000 for fiscal year 1986, and $75,600,000 for fiscal year 1987,".

(c) Section 303(c)(2) of the Act is amended by striking out "legal services" and inserting in lieu thereof "legal assistance".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Act (42 U.S.C. 3024(a)) is amended—

(1) by striking out "From" in paragraph (1) and by inserting in lieu thereof "Subject to paragraph (2), from",

(2) by striking out "under parts B and C" in paragraph (1) and inserting in lieu thereof "under section 303",

(3) in paragraph (1) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(4) by striking out "(C)" and inserting in lieu thereof "and (C)",

(5) by striking out "; and (D) no State shall be allotted an amount less than the State received for fiscal year 1978" in paragraph (1),

(6) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner",

(7) by redesignating paragraph (2) as paragraph (3), and

(8) by inserting after paragraph (1) the following:

"(2) No State shall be allotted less than the total amount allotted to the State under paragraph (1) of this subsection and section 308 for fiscal year 1984.".

(b) Section 304(b) of the Act (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Act (42 U.S.C. 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)", and inserting in lieu thereof "subsection (d)(1)(D)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 304(d)(1) of the Act (42 U.S.C. 3024(d)(1)) is amended—

(1) by inserting in the matter preceding clause (A) after "allotment" a comma and the following: "after the application of section 308(b)",

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(2) by striking out "and" at the end of clause (B),

(3) by redesignating clause (C) as clause (D), and

Health.

(4) by inserting after clause (B), the following new clause:

Post, p. 1777.

"(C) after September 30, 1986, such amount as the State agency determines to be adequate, but not more than 1 percent, for conducting effective demonstration projects in health and nutrition education under section 307(f) shall be available for conducting such projects; and".

ORGANIZATION

SEC. 305. (a)(1) Section 305(a)(1)(E) of the Act (42 U.S.C. 3025(a)(1)(E)) is amended by striking out "(b)(5)" and inserting in lieu thereof "(b)(5)(A)".

(2) Section 305(a)(2)(E) of the Act (42 U.S.C. 3025(a)(2)(E)) is amended by inserting ", with particular attention to low-income minority individuals," after "social needs".

(b)(1) Section 305(b)(3) of the Act (42 U.S.C. 3025(b)(3)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(2) Section 305(b)(5) of the Act (42 U.S.C. 3025(b)(5)) is amended by inserting "(A)" after the paragraph designation, and by adding at the end thereof the following new subparagraph:

State and local governments.

Ante, p. 1767.

"(B) Whenever a State agency designates a new area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right to first refusal to a unit of general purpose local government if (i) such unit can meet the requirements of subsection (c), and (ii) the boundaries of such a unit and the boundaries of the area are reasonably contiguous.".

(c) Section 305 of the Act (42 U.S.C. 3025) is amended by adding at the end thereof the following new subsection:

Funds.

"(d)(1) The publication for review and comment required by clause (2)(C) of subsection (a) shall include—

"(A) a descriptive statement of the formula's assumptions and goals, and the application of the definitions of greatest economic or social need,

"(B) a numerical statement of the actual funding formula to be used,

"(C) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

"(D) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.

Disadvantaged persons.
Handicapped persons.

"(2) For purposes of clause (2)(E) of subsection (a) and paragraph (1) of this subsection, the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census, and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens his or her capacity to live independently.".

AREA PLANS

98 STAT. 1774

SEC. 306. (a) Section 306(a) of the Act (42 U.S.C. 3026(a)) is amended—

(1) in clause (1) by inserting after "area", the third time it appears, "and the efforts of voluntary organizations in the community",

(2) in clause (2)—

(A) by inserting "each of the following categories of services" after "the delivery of" in the matter preceding subclause (A),

(B) by striking out "and" the last time it appears in the parenthetical phrase in subclause (B), and by inserting after "maintenance" a comma and the following: "and supportive services for families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type",

(C) by amending subclause (C) to read as follows:

"(C) legal assistance;", and

(D) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(3) in clause (3) by striking out "to encourage the maximum collocation and coordination of services for older individuals, and give" and inserting in lieu thereof a comma and the following: "giving",

(4) in clause (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(5) in clause (6)—

(A) by striking out subclause (F),

(B) in subclause (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subclause (I) by striking out the period at the end thereof and inserting in lieu thereof a semicolon,

(D) by redesignating subclauses (G), (H), and (I) as subclauses (F), (G), and (H), respectively, and

(E) by adding at the end thereof the following:

Health.

"(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered case management systems as a component of such services;

"(J) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of older individuals, and based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet; and

"(K) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

98 STAT. 1775

Handicapped persons.
Disadvantaged persons.

For purposes of clause (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

Waiver.
Hearing.

(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended—

(1) by inserting "(1)" after the subsection designation, and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a timely public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

Public availability.

"(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).".

STATE PLANS

SEC. 307. (a) Section 307(a) of the Act (42 U.S.C. 3027(a)) is amended—

(1) in clause (3)(A) by striking out "legal services" and inserting in lieu thereof "legal assistance",

(2) in clause (10)—

(A) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,", and

(B) by inserting before the semicolon a comma and "or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging",

(3) in clause (12)—

(A) by striking out "which is not" the first place it appears in subclause (A) and inserting in lieu thereof ", other than an agency or organization which is",

(B) by striking out "not" the second place it appears in subclause (A),

(C) by striking out "will—" in subclause (A) and inserting in lieu thereof "provides an individual who will, on a full-time basis—",

(D) by inserting "staff and" after "training" in subclause (A)(iv),

(E) in subclause (C) by striking out "and" at the end thereof,

(F) in subclause (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(G) by adding at the end thereof the following new subclause:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

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(4) in clause (13)—

(A) by striking out "subparagraph (H)" in subclause (B) and inserting in lieu thereof "subclause (H)",

(B) by striking out "charge participating individuals" in subclause (C)(i), and inserting in lieu thereof "solicit voluntary contributions", and

(C) by striking out "charges" in subclause (C)(ii) and inserting in lieu thereof "voluntary contributions",

(5) in clause (15) by striking out "legal services" each place it appears and inserting in lieu thereof "legal assistance",

Disadvantaged persons.
Legal assistance.

(6) by amending clause (15)(B) to read as follows:

"(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency makes a finding, after assessment, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;",

(7) in clause (17)(B)(ii) by striking out the period at the end of such section and inserting in lieu thereof a semicolon and "and",

(8) in clause (18) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(9) by redesignating clauses (16), (17), and (18) as clauses (19), (20), and (21), respectively, and

(10) by inserting after clause (15) the following new clauses:

"(16) provide that whenever the State desires to provide for services for the prevention of abuse of older individuals—

"(A) the plan contains assurances that any area agency on aging carrying out such services will conduct a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent abuse of older individuals;

"(ii) receipt of reports of abuse of older individuals;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

"(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in this clause by alleged victims, abusers, or their households; and

Confidentiality.

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency;

98 STAT. 1777

"(17) provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act;

Legal assistance.

"(18) provide assurances that each State will assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State;".

(b) Section 307(b)(1) of the Act (42 U.S.C. 3027(b)(1)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(c) Section 307(d) of the Act (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Act (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

(e) Section 307 of the Act (42 U.S.C. 3027) is amended by adding at the end thereof the following new subsection:

Health. *Ante*, p. 1772.

"(f)(1) From amounts made available under section 304(d)(1)(C) after September 30, 1986, each State shall provide for the establishment of at least one demonstration project for health and nutrition education to be conducted by one or more area agencies on aging within the State based on the information and materials disseminated under section 704(d)(2).

Post, p. 1791.

"(2) Each such project shall—

"(A) be administered by the area agency for the purpose of improving the health and nutrition of older individuals served by the agency;

"(B) be established and administered in consultation with an appropriate gerontology center;

"(C) be designed to improve the health and nutrition of older individuals through increasing their physical fitness activities and improving the nutritional value of meals in their own daily living habits;

"(D) if appropriate, be conducted in conjunction with schools of public health, schools of medicine, public health and social service agencies, private voluntary organizations, or other entities concerned with the health and well-being of older individuals; and

Reports.

"(E) be evaluated and the evaluation shall be submitted prior to October 1, 1987, together with such interim reports as the Commissioner may reasonably require.".

ADMINISTRATION OF STATE PLANS

SEC. 308. (a) Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended—

42 USC 3023.

(1) in paragraph (1) by striking out "Amounts appropriated under section 303" and inserting in lieu thereof "Amounts available to States under subsection (b)(1)", and

(2) in paragraph (2) by striking out "received by a State under this section" and inserting in lieu thereof "available to a State under subsection (b)(1)".

(b) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended—

(1) in the first sentence of paragraph (2)(A) by striking out "Any" and inserting in lieu thereof "If the aggregate amount appropriated under section 303 for a fiscal year does not exceed $800,000,000, then any",

(2) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner",

(3) in paragraph (6)—

(A) by inserting "(A)" after "(6)",

(B) by inserting "and except as provided in subparagraph (B)" after "provisions of this title"; and

(C) by adding at the end thereof the following new subparagraph:

"(B) Of the funds received under section 303, a State may elect to transfer under subparagraph (A)—

"(i) not more than 27 percent of the funds appropriated for fiscal year 1985;

"(ii) not more than 29 percent of the funds appropriated for fiscal year 1986; and

"(iii) not more than 30 percent of the funds appropriated for fiscal year 1987.",

(4) by striking out paragraphs (3) and (4),

(5) by redesignating paragraphs (2), (5), and (6) as paragraphs (3), (4), and (5), respectively, and

(6) by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

Guam, American Samoa, *et al.*

"(1)(A) If for any fiscal year the aggregate amount appropriated under section 303 does not exceed $800,000,000, then—

"(i) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or $300,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $75,000;

shall be available to such State to carry out the purposes of this section.

Guam, American Samoa, *et al.*

"(2)(A) If for any fiscal year the aggregate amount appropriated under section 303 exceeds $800,000,000, then—

"(i) except as provided in clause (ii), the greater of 5 percent of the allotment to a State under section 304(a)(1) or $500,000; and

"(ii) in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, the greater of 5 percent of such allotment or $100,000;

shall be available to such State to carry out the purposes of this section.".

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TECHNICAL AMENDMENT

SEC. 309. (a) Section 309(a) of the Act (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

(b) Section 309(b)(2) of the Act (42 U.S.C. 3029(b)(2)) is amended by striking out "section 304(d)(1)(B)" and inserting in lieu thereof "section 304(d)(1)(D)".

Ante, p. 1772.

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 310. (a) Section 311(a)(4) of the Act (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b)(1) Section 311 of the Act (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as subsection (c)(1).

(2) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended—

(A) by striking out "$93,200,000" and all that follows through "1983, and",

(B) by inserting "$120,800,000 for fiscal year 1985, $125,900,000 for fiscal year 1986, and $132,000,000 for fiscal year 1987," after "1984,", and

(C) by striking out "1981" and inserting in lieu thereof "1983".

(3) Section 311(c)(1) of the Act (42 U.S.C. 3030a(c)(1)), as so redesignated, is amended by inserting "(A)" after "(1)" and by adding at the end thereof the following new subparagraph:

Effective date.
Claims.

"(B) Effective on the first day of the first month beginning after the date of enactment of the Older Americans Act Amendments of 1984, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.".

Ante, p. 1767.

(4) Section 311(c)(2) of the Act (42 U.S.C. 3030a(c)(2)), as so redesignated, is amended by striking out "appropriation" and inserting in lieu thereof "appropriations".

AUDIT

SEC. 311. (a) Section 313 of the Act (42 U.S.C. 3030c) is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) State agencies and area agencies on aging shall not request information or data from providers which is not pertinent to services furnished pursuant to this Act or a payment made for such services.".

SUPPORTIVE SERVICES

SEC. 312. (a) Section 321(a) of the Act (42 U.S.C. 3030d(a)) is amended—

(1) by striking out clause (5) and inserting in lieu thereof the following:

"(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;",

(2) in clause (6)—

(A) by striking out "legal services" and inserting in lieu thereof "legal assistance", and

(B) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(3) in clause (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(4) in clause (14) by striking out "or" at the end thereof,

(5) by redesignating clause (15) as clause (19), and

(6) by inserting after clause (14) the following new clauses:

"(15) services for the prevention of abuse of older individuals in accordance with clause (16) of section 307(a);

Legal assistance.

"(16) inservice training and State leadership for legal assistance activities;

Health.

"(17) health and nutrition education services;

"(18) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Act (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out all that follows "centers" and inserting in lieu thereof a period, and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

GENERAL PURPOSE AND ADMINISTRATION

SEC. 401. Title IV of the Act (42 U.S.C. 3031-3037a) is amended by inserting after the title designation the following new section:

"STATEMENT OF PURPOSE

42 USC 3030aa.

"SEC. 401. It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and to help meet the needs for trained personnel in the field of aging through—

"(1) placing a priority on the education and training of personnel to work with and on behalf of older individuals;

"(2) research and development of effective practices in the field of aging;

"(3) demonstration projects directly related to the field of aging; and

"(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

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"ADMINISTRATION

"SEC. 402. (a) In order to carry out the provisions of this title effectively, the Commissioner shall administer this title through the Administration on Aging.

42 USC 3030bb.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, and such other agencies and departments of the Federal Government as may be appropriate.".

EDUCATION AND TRAINING

SEC. 402. Title IV of the Act (42 U.S.C. 3031-3037a) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

42 USC 3030jj.

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 403. Section 411 of the Act (42 U.S.C. 3031) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

Education.

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other public and nonprofit private organizations and agencies.

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"(b) To achieve the purpose of this title, the Administration on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain disorders of the Alzheimer's type and providing family respite services with respect to such individuals.

Audit.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 404. Section 412 of the Act (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

Study.

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

(3) by adding at the end thereof the following new subsection:

Audit.

"(b) Centers supported under this section shall provide data to the

Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 405. Title IV of the Act (42 U.S.C. 3031-3037a) is amended by inserting after the heading for part B the following new section:

"PURPOSE

42 USC 3034.

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 406. Section 421 of the Act (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.",

(2) by adding at the end of subsection (a), as so redesignated, the following: "Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.", and

(3) by adding at the end thereof the following new subsections:

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include a concise policy or practical application statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively— *Ante*, p. 1767.

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for the purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivering services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 407. (a) Section 422(a) of the Act (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Act (42 U.S.C. 3035a(b)) is amended—

(1) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) as clauses (2), (3), (4), (5), (6), (7), and (8), respectively;

(2) by inserting before clause (2) (as redesignated by this subsection) the following new clause:

Health.
Handicapped persons.

(1) meet the supportive services needs of elderly victims of Alzheimers' disease and other neurological and organic brain disorders of the Alzheimers' type and their families, including—

"(A) home health care for such victims;

"(B) adult day health care for such victims; and

"(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;"; and

(3) in clause (2)(D)(i) (as redesignated by this subsection) by striking out "clause (C)" and inserting in lieu thereof "subclause (C)".

(c) Section 422 of the Act (42 U.S.C. 3035a) is amended by adding at the end thereof the following new subsection:

Grants.
Contracts with U.S.

"(d)(1) Whenever appropriate, grants made and contracts entered into under this section shall be developed in consultation with an appropriate gerontology center.

"(2) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.".

LONG-TERM CARE SPECIAL PROJECTS

SEC. 408. Section 423(b)(3) of the Act (42 U.S.C. 3035b(b)(3)) is amended by inserting "(A)" after the paragraph designation and by adding at the end thereof the following subparagraph:

Grants.
Contracts with U.S.

"(B) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of information regarding the development of such services.".

DEMONSTRATION PROJECTS ON LEGAL ASSISTANCE

SEC. 409. Section 424 of the Act (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS

Grants.
Contracts with U.S.

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide a national legal assistance support system (operated by one or more grantees or contractors) of activities to State and area agencies on aging for providing, developing, or supporting legal assistance for older individuals, including—

"(A) case consultations;

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"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs.

Ante, p. 1775.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to local legal assistance providers.".

TECHNICAL AMENDMENTS

SEC. 410. (a) Section 425 of the Act (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

(b) Section 426 of the Act (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 411. (a) Section 431(a) of the Act (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $28,200,000 for fiscal year 1985, $29,800,000 for fiscal year 1986, and $31,400,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Act (42 U.S.C. 3037(b)) is amended—

(1) in clause (1) by striking out "or" at the end thereof,

(2) in clause (2) by striking out the period and inserting in lieu thereof "; or", and

Grants.

(3) by adding at the end thereof the following new clause:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this title are separately identified in such grant or payment and are used for the purposes of this title.".

TECHNICAL AMENDMENT

SEC. 412. Section 432(a) of the Act (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 413. The Act (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

Grants.
Contracts with U.S.
Prohibition.
42 USC 3037b.
Report.
Public availability.
Ante, p. 1770.

98 STAT. 1786

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 501. (a) Section 502(b)(1) of the Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after subparagraph (N) the following new subparagraph:

Public availability.

5 USC 1501 *et seq.*

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.".

(b) Section 502(c) of the Act (42 U.S.C. 3056(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than—

"(A) 13.5 percent for fiscal year 1986, and

"(B) 12 percent for fiscal year 1987, and thereafter,

shall be available for paying the costs of administration for such project, except that whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based upon information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

ADMINISTRATION

SEC. 502. Section 503(b) of the Act (42 U.S.C. 3056a(b)) is amended to read as follows:

29 USC 1501 note.
42 USC 9901 note.
Prohibition.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the Vocational Education Act of 1984. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984.".

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 503. (a) Section 506(a)(3) of the Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(b) Section 506 of the Act (42 U.S.C. 3056d) is amended by adding at the end thereof the following new subsection:

Report.
State and local governments.

"(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.".

(c) Section 507(2) of the Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 504. Section 508(a) of the Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $335,000,000 for fiscal year 1985, $351,400,000 for fiscal year 1986, and $368,300,000 for fiscal year 1987",

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500", and

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (2)".

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

42 USC 3056 note.

Report.
Employment and unemployment.

SEC. 505. The Secretary of Labor shall conduct a study to identify additional mechanisms, supplementing the existing program under the Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Act (42 U.S.C. 3057a(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. (a) Section 604(a)(8) of the Act (42 U.S.C. 3057c(a)(8)) is amended by striking out "paragraph" and inserting in lieu thereof "clause".

(b) Section 604(d) of the Act (42 U.S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Act (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Act (42 U.S.C. 3057g) is amended by striking out subsection (c).

TITLE VII—PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

Older Americans Personal Health Education and Training Act.

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

42 USC 3058 note.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

42 USC 3058.

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seem to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care **expenditures and 50.5 percent of Federal health care (nonmilitary) expenditures, and as our population ages the percentage of Federal health care dollars absorbed by older individuals will inevitably increase;**

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"(5) older individuals consume more prescription and over-the-counter drugs than any other age group and are therefore more likely to be exposed to two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

42 USC 3058a.

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

Grants.
Contracts with U.S.
42 USC 3058b.

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Administration on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Administration on Aging, shall make grants and enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

Prohibition.

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to replication in multipurpose senior centers, as well as other sites convenient to older individuals;

Ante, p. 1780.

"(B) will provide for consultation with and utilization of multipurpose senior centers established under section 321(b)(1) with regard to the provision of services to meet the specific needs of older individuals;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of components appropriate for uniform, standardized use relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide health education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) with regard to the provision of services, will be designed in consultation with each area agency on aging located in the geographic area to be served by such project with specific attention to State and area agency replication under section 307(f); *Ante*, p. 1777.

"(M) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, health education, nutrition, and gerontology;

"(N) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and 42 USC 3025.

"(O) will implement health education and training activity in at least 10 separate sites.

98 STAT. 1791

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title. Regulations.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall—

"(A) give priority to grants and contracts smaller than $150,000; and

"(B) to the extent practicable, ensure an equitable geographic distribution in the awarding of such grants or contracts, including an appropriate consideration of both urban and rural needs.

"(d)(1) The Secretary shall prepare and submit to the Congress, not later than October 1, 1985, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects. Report.

"(2) Not later than October 1, 1986, the Secretary shall prepare and disseminate, through the Commissioner, to State agencies on aging information and materials relating to projects conducted under this title, including uniform, standardized components of a program of health and nutrition education.

Report.

"(3) The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

42 USC 3058c.

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

Prohibition.
Ante, p. 1790.

"(c) Except as provided in section 704(d), the Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 3058d.

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year

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shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Corporations.
Employment and unemployment.
29 USC 630.

SEC. 802. (a) Section 11(f) of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new sentence: "The term 'employee' includes any individual who is a citizen of the United States employed by an employer in a workplace in a foreign country.".

29 USC 623.

(b)(1) Section 4(f)(1) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the semicolon a comma and the following: "or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located".

(2) Section 4 of the Age Discrimination in Employment Act of 1967 is amended by adding at the end thereof the following new subsection:

"(g)(1) If an employer controls a corporation whose place of incorporation is in a foreign country, any practice by such corporation prohibited under this section shall be presumed to be such practice by such employer.

"(2) The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer.

"(3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the—

"(A) interrelation of operations,
"(B) common management,
"(C) centralized control of labor relations, and
"(D) common ownership or financial control,

of the employer and the corporation.".

(c)(1) Section 12(c)(1) of the Age Discrimination in Employment Act of 1967 is amended by striking out "$27,000" and inserting in lieu thereof "$44,000". 29 USC 631.

(2) The amendment made by paragraph (1) of this subsection shall not apply with respect to any individual who retires, or is compelled to retire, before the date of the enactment of this Act. Retirement. 29 USC note.

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EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. 42 USC 3001 note.

(b)(1) The amendment made by section 206(a) shall take effect 60 days after the date of the enactment of this Act. *Ante*, p. 1770.

(2) The amendment made by section 206(d) shall take effect on the first day of the first fiscal year beginnning after the date of the enactment of this Act.

(3) The amendment made by section 411(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act. *Ante*, p. 1781.

(4) The amendment made by section 701 shall take effect on October 1, 1984. *Ante*, p. 1788.

Approved October 9, 1984.

LEGISLATIVE HISTORY—S. 2603 (H.R. 4785):

HOUSE REPORTS: No. 98-737 accompanying H.R. 4785 (Comm. on Education and Labor) and No. 98-1037 (Comm. of Conference).
SENATE REPORT No. 98-467 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 24 considered and passed Senate.
Aug. 6, 8, H.R. 4785 considered and passed House; S. 2603 amended, passed in lieu.
Sept. 26, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 41 (1984):
Oct. 9, Presidential statement.

Public Law 98-460
98th Congress

98 STAT. 1794

An Act

To amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process.

Oct. 9, 1984
[H.R. 3755]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security Disability Benefits Reform Act of 1984.
42 USC 1305 note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Disability Benefits Reform Act of 1984".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Standard of review for termination of disability benefits and periods of disability.
Sec. 3. Evaluation of pain.
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Sec. 6. Notice of reconsideration; prereview notice; demonstration projects.
Sec. 7. Continuation of benefits during appeal.
Sec. 8. Qualifications of medical professionals evaluating mental impairments.
Sec. 9. Consultative examinations; medical evidence.
Sec. 10. Uniform standards.
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Sec. 13. Qualifying experience for appointment of certain staff attorneys to administrative law judge positions.
Sec. 14. Supplemental security income benefits for individuals who perform substantial gainful activity despite severe medical impairment.
Sec. 15. Frequency of continuing eligibility reviews.
Sec. 16. Determination and monitoring of need for representative payee.
Sec. 17. Measures to improve compliance with Federal law.
Sec. 18. Separability.

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

97 Stat. 134.
42 USC 423.

SEC. 2. (a) Section 223(f) of the Social Security Act is amended to read as follows:

"Standard of Review for Termination of Disability Benefits

42 USC 1395.

"(f) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(1) substantial evidence which demonstrates that—

"(A) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work), and

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"(B)(i) the individual is now able to engage in substantial gainful activity, or

42 USC 402.

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed, under regulations prescribed by the Secretary, sufficient to preclude the individual from engaging in gainful activity; or

"(2) substantial evidence which—

"(A) consists of new medical evidence and (in a case to which clause (ii)(II) does not apply) a new assessment of the individual's residual functional capacity, and demonstrates that—

"(i) although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology (related to the individual's ability to work), and

"(ii)(I) the individual is now able to engage in substantial gainful activity, or

"(II) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity, or

"(B) demonstrates that—

"(i) although the individual has not improved medically, he or she has undergone vocational therapy (related to the individual's ability to work), and

"(ii) the requirements of subclause (I) or (II) of subparagraph (A)(ii) are met; or

"(3) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(A) the individual is able to engage in substantial gainful activity, or

"(B) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(4) substantial evidence (which may be evidence on the record at the time any prior determination of the entitlement to benefits based on disability was made, or newly obtained evidence which relates to that determination) which demonstrates that a prior determination was in error.

Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on an individual's disability is entitled to such benefits if the prior determination was fraudulently obtained or if the individual is engaged in substantial gainful activity (or gainful activity in the case of a widow, surviving divorced wife, widower, or surviving divorced husband), cannot be located, or fails, without good cause, to cooperate in a review of the entitlement to such benefits or to follow prescribed treatment which would be expected to restore his or her ability to engage in substantial gainful activity (or gainful activity in the case of a widow, surviving divorced wife, widower, or surviving divorced husband). Any determination under this section shall be made on the basis of all the evidence available in the individual's case file, including new evidence concerning the individual's prior or current condition which is presented by the individual or secured by the Secretary. Any determination made under this section shall be made on the basis of the weight of the evidence and on a neutral basis with regard to the individual's condition, without any initial inference as to the presence or absence of disability being drawn from the fact that the individual has previously been determined to be disabled. For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

42 USC 1395

98 STAT. 1796

(b) Section 216(i)(2)(D) of such Act is amended by adding at the end thereof the following: "The provisions set forth in section 223(f) with respect to determinations of whether entitlement to benefits under this title or title XVIII based on the disability of any individual is terminated (on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling) shall apply in the same manner and to the same extent with respect to determinations of whether a period of disability has ended (on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability was made has ceased, does not exist, or is not disabling)."

42 USC 416.

Ante, p. 1794.

42 USC 1395.

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

42 USC 1382c.

"(5) A recipient of benefits based on disability under this title may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that—

"(i) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work), and

"(ii) the individual is now able to engage in substantial gainful activity; or

42 USC 1382h.

"(B) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(i) consists of new medical evidence and a new assessment of the individual's residual functional capacity, and demonstrates that—

"(I) although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology (related to the individual's ability to work), and

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"(II) the individual is now able to engage in substantial gainful activity, or

"(ii) demonstrates that—

"(I) although the individual has not improved medically, he or she has undergone vocational therapy (related to the individual's ability to work), and

"(II) the individual is now able to engage in substantial gainful activity; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore the individual is able to engage in substantial gainful activity; or

"(D) substantial evidence (which may be evidence on the record at the time any prior determination of the entitlement to benefits based on disability was made, or newly obtained evidence which relates to that determination) which demonstrates that a prior determination was in error.

Nothing in this paragraph shall be construed to require a determination that an individual receiving benefits based on disability under this title is entitled to such benefits if the prior determination was fraudulently obtained or if the individual is engaged in substantial gainful activity, cannot be located, or fails, without good cause, to cooperate in a review of his or her entitlement or to follow prescribed treatment which would be expected to restore his or her ability to engage in substantial gainful activity. Any determination under this paragraph shall be made on the basis of all the evidence available in the individual's case file, including new evidence concerning the individual's prior or current condition which is presented by the individual or secured by the Secretary. Any determination made under this paragraph shall be made on the basis of the weight of the evidence and on a neutral basis with regard to the individual's condition, without any initial inference as to the presence or absence of disability being drawn from the fact that the individual has previously been determined to be disabled.".

Effective date.
42 USC 423 note.

(d)(1) The amendments made by this section shall apply only as provided in this subsection.

(2) The amendments made by this section shall apply to—

(A) determinations made by the Secretary on or after the date of the enactment of this Act;

(B) determinations with respect to which a final decision of the Secretary has not yet been made as of the date of the enactment of this Act and with respect to which a request for administrative review is made in conformity with the time limits, exhaustion requirements, and other provisions of section 205 of the Social Security Act and regulations of the Secretary; 42 USC 405.

(C) determinations with respect to which a request for judicial review was pending on September 19, 1984, and which involve an individual litigant or a member of a class in a class action who is identified by name in such pending action on such date; and

(D) determinations with respect to which a timely request for judicial review is or has been made by an individual litigant of a final decision of the Secretary made within 60 days prior to the date of the enactment of this Act.

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In the case of determinations described in subparagraphs (C) and (D) in actions relating to medical improvement, the court shall remand such cases to the Secretary for review in accordance with the provisions of the Social Security Act as amended by this section.

(3) In the case of a recipient of benefits under title II, XVI, or XVIII of the Social Security Act— 42 USC 401, 1381, 1395.

(A) who has been determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits were provided has ceased, does not exist, or is not disabling, and

(B) who was a member of a class certified on or before September 19, 1984, in a class action relating to medical improvement pending on September 19, 1984, but was not identified by name as a member of the class on such date,

the court shall remand such case to the Secretary. The Secretary shall notify such individual by certified mail that he may request a review of the determination described in subparagraph (A) based on the provisions of this section and the provisions of the Social Security Act as amended by this section. Such notification shall specify that the individual must request such review within 120 days after the date on which such notification is received. If such request is made in a timely manner, the Secretary shall make a review of the determination described in subparagraph (A) in accordance with the provisions of this section and the provisions of the Social Security Act as amended by this section. The amendments made by this section shall apply with respect to such review, and the determination described in subparagraph (A) (and any redetermination resulting from such review) shall be subject to further administrative and judicial review, only if such request is made in a timely manner. 42 USC 1305.

(4) The decision by the Secretary on a case remanded by a court pursuant to this subsection shall be regarded as a new decision on the individual's claim for benefits, which supersedes the final decision of the Secretary. The new decision shall be subject to further administrative review and to judicial review only in conformity with the time limits, exhaustion requirements, and other provisions of section 205 of the Social Security Act and regulations issued by the Secretary in conformity with such section. 42 USC 405.

(5) No class in a class action relating to medical improvement may be certified after September 19, 1984, if the class action seeks judicial review of a decision terminating entitlement (or a period of disability) made by the Secretary of Health and Human Services prior to September 19, 1984.

(6) For purposes of this subsection, the term "action relating to medical improvement" means an action raising the issue of whether an individual who has had his entitlement to benefits under title II, XVI, or XVIII of the Social Security Act based on disability terminated (or period of disability ended) should not have had such entitlement terminated (or period of disability ended) without consideration of whether there has been medical improvement in the condition of such individual (or another individual on whose disability such entitlement is based) since the time of a prior determination that the individual was under a disability.

42 USC 423 note.
42 USC 423.
Post, p. 1803.
42 USC 423.
Post, p. 1803.
98 STAT. 1799

(e) Any individual whose case is remanded to the Secretary pursuant to subsection (d) or whose request for a review is made in a timely manner pursuant to subsection (d), may elect, in accordance with section 223(g) or 1631(a)(7) of the Social Security Act, to have payments made beginning with the month in which he makes such election, and ending as under such section 223(g) or 1631(a)(7). Notwithstanding such section 223(g) or 1631(a)(7), such payments (if elected)—

(1) shall be made at least until an initial redetermination is made by the Secretary; and

(2) shall begin with the payment for the month in which such individual makes such election.

42 USC 423 note.

(f) In the case of any individual who is found to be under a disability after a review required under this section, such individual shall be entitled to retroactive benefits beginning with benefits payable for the first month to which the most recent termination of benefits applied.

Regulations.
42 USC 423 note.

(g) The Secretary of Health and Human Services shall prescribe regulations necessary to implement the amendments made by this section not later than 180 days after the date of the enactment of this Act.

EVALUATION OF PAIN

42 USC 423.

SEC. 3. (a)(1) Section 223(d)(5) of the Social Security Act is amended by inserting after the first sentence the following new sentences: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be medical signs and findings, established by medically acceptable clinical or laboratory diagnostic techniques, which show the existence of a medical impairment that results from anatomical, physiological, or psychological abnormalities which could reasonably be expected to produce the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual or his physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the medical signs and findings), would lead to a conclusion that the individual is under a disability. Objective medical evidence of pain or other symptoms established by medically acceptable clinical or laboratory techniques (for example, deteriorating nerve or muscle tissue) must be considered in reaching a conclusion as to whether the individual is under a disability.".

Post, p. 1804.

(2) Section 1614(a)(3)(H) of such Act (as added by section 8 of this Act) is amended by striking out "section 221(h)" and inserting in lieu thereof "sections 221(h) and 223(d)(5)".

Effective date.
42 USC 423 note.

(3) The amendments made by paragraphs (1) and (2) shall apply to determinations made prior to January 1, 1987.

Commission on the Evaluation of Pain.
42 USC 423 note.
42 USC 401, 1381.

(b)(1) The Secretary of Health and Human Services shall appoint a Commission on the Evaluation of Pain (hereafter in this section referred to as the "Commission") to conduct a study concerning the evaluation of pain in determining under titles II and XVI of the Social Security Act whether an individual is under a disability. Such study shall be conducted in consultation with the National Academy of Sciences.

(2) The Commission shall consist of at least twelve experts, including a significant representation from the field of medicine who are involved in the study of pain, and representation from the fields of law, administration of disability insurance programs, and other appropriate fields of expertise.

5 USC app.

(3) The Commission shall be appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of

98 STAT. 1800

the enactment of this Act. The Secretary shall from time to time appoint one of the members to serve as Chairman. The Commission shall meet as often as the Secretary deems necessary.

(4) Members of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members who are not employees of the United States, while attending meetings of the Commission or otherwise serving on the business of the Commission, shall be paid at a rate equal to the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Commission. While engaged in the performance of such duties away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(5) The Commission may engage such technical assistance from individuals skilled in medical and other aspects of pain as may be necessary to carry out its functions. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Commission may require to carry out its functions.

(6) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than December 31, 1985. The Commission shall terminate at the time such results are submitted. Termination date.

MULTIPLE IMPAIRMENTS

Sec. 4. (a)(1) Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph: 42 USC 423.

"(C) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Secretary does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),". 42 USC 416.

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph: 42 USC 1382c.

"(G) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under this section, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Secretary does find a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process.".

98 STAT. 1801

(c) The amendments made by this section shall apply with respect to determinations made on or after the first day of the first month beginning after 30 days after the date of the enactment of this Act. Effective date. 42 USC 423 note.

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

Sec. 5. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the 42 USC 421 note.

"Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than 120 days after the date of the enactment of this Act.

Regulations.

42 USC 421.

42 USC 1381.

(b)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act, or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (c)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

42 USC 1382h

42 USC 402.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity (or gainful activity, in the case of a widow, surviving divorced wife, widower, or surviving divorced husband for purposes of section 202 (e) and (f) of such Act).

42 USC 401, 1381.

(c)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, review by the Appeals Council of, or judicial review of a decision rendered in any continuing eligibility review to which subsection (b)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

98 STAT. 1802

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

Claims.

42 USC 401, 1381.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be

filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

NOTICE OF RECONSIDERATION; PREREVIEW NOTICE; DEMONSTRATION PROJECTS

SEC. 6. (a) Section 221(i) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

42 USC 421.

"(4) In any case in which the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of the individual to provide medical evidence with respect to such review.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 1383b.

"(c) In any case in which the Secretary initiates a review under this title, similar to the continuing disability reviews authorized for purposes of title II under section 221(i), the Secretary shall notify the individual whose case is to be reviewed in the same manner as required under section 221(i)(4).".

42 USC 401.

Supra.

(c) The Secretary shall institute a system of notification required by the amendments made by subsections (a) and (b) as soon as is practicable after the date of the enactment of this Act.

42 USC 421 note.

(d) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which the opportunity for a personal appearance prior to a determination of ineligibility for persons reviewed under section 221(i) of the Social Security Act is substituted for the face to face evidentiary hearing required by section 205(b)(2) of such Act. Such demonstration projects shall be conducted in not fewer than five States, and shall also include disability determinations with respect to individuals reviewed under title XVI of such Act. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1986.

42 USC 421 note.

42 USC 405.

42 USC 1381.

Report.

98 STAT. 1803

(e) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which the opportunity for a personal appearance is provided the applicant prior to initial disability determinations under subsections (a), (c), and (g) of section 221 of the Social Security Act, and prior to initial disability determinations on applications for benefits under title XVI of such Act. Such demonstration projects shall be conducted in not fewer than five States. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1986.

42 USC 421 note.

42 USC 421.

42 USC 1381.

Report.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 7. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

42 USC 423.

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,"; and

42 USC 1395.

(B) in clause (iii) by striking out "June 1984" and inserting in lieu thereof "June 1988".

97 Stat. 803. 42 USC 423. (2) Section 223(g)(3)(B) of such Act is amended by striking out "December 7, 1983" and inserting in lieu thereof "January 1, 1988".

42 USC 1383. (b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, or (II) the month preceding the month in which no such request for review or a hearing is pending.

"(B)(i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period)

shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing.".

Study. 42 USC 423 note. (c)(1) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, conduct a study concerning the effect which the enactment and continued operation of section 223(g) of the Social Security Act is having on expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, and the rate of appeals to administrative law judges of unfavorable determinations relating to disability or periods of disability. 42 USC 423.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than July 1, 1986.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

42 USC 421. SEC. 8. (a) Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) An initial determination under subsection (a), (c), (g), or (i) that an individual is not under a disability, in any case where there is evidence which indicates the existence of a mental impairment, shall be made only if the Secretary has made every reasonable effort to ensure that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act (as amended by section 4 of this Act) is further amended by adding at the end thereof the following new subparagraph:

Ante, p. 1800.

"(H) In making determinations with respect to disability under this title, the provisions of section 221(h) shall apply in the same manner as they apply to determinations of disability under title II.".

Supra.
42 USC 401.

(c) The amendments made by this section shall apply to determinations made after 60 days after the date of the enactment of this Act.

Effective date.
42 USC 421 note.

CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

SEC. 9. (a)(1) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 421.

"(j) The Secretary shall prescribe regulations which set forth, in detail—

"(1) the standards to be utilized by State disability determination services and Federal personnel in determining when a consultative examination should be obtained in connection with disability determinations;

98 STAT. 1805

"(2) standards for the type of referral to be made; and

"(3) procedures by which the Secretary will monitor both the referral processes used and the product of professionals to whom cases are referred.

Nothing in this subsection shall be construed to preclude the issuance, in accordance with section 553(b)(A) of title 5, United States Code, of interpretive rules, general statements of policy, and rules of agency organization relating to consultative examinations if such rules and statements are consistent with such regulations.".

(2) The Secretary of Health and Human Services shall prescribe regulations required under section 221(j) of the Social Security Act not later than 180 days after the date of the enactment of this Act.

Regulations.
42 USC 421 note.
Ante, p. 1804.

(b)(1) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

42 USC 423.

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability. In making any determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to evaluating medical evidence obtained from any other source on a consultative basis.".

(2) The amendments made by this subsection shall apply to determinations made on or after the date of the enactment of this Act.

Effective date.
42 USC 423 note.

UNIFORM STANDARDS

SEC. 10. (a) Section 221 of the Social Security Act (as amended by section 9 of this Act) is further amended by adding at the end thereof the following new subsection:

42 USC 421.

"(k)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

42 USC 416, 423.

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

(b) Section 1614(a)(3)(H) of such Act (as added by section 8 of this Act and amended by section 3 of this Act) is further amended by

Ante, p. 1804.

striking out "sections 221(h) and 223(d)(5)" and inserting in lieu thereof "sections 221(h), 221(k), and 223(d)(5)".

PAYMENT OF COSTS OF REHABILITATION SERVICES

42 USC 422.

SEC. 11. (a)(1) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(A) by striking out "into substantial gainful activity"; and

(B) by striking out "which result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to continue to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

42 USC 425.

Ante, p. 1805.

(2) The second sentence of section 222(d)(1) of such Act is amended by striking out "of such individuals to substantial gainful activity" and inserting in lieu thereof "of an individual to substantial gainful activity, the determination that an individual, without good cause, refused to continue to accept vocational rehabilitation services or failed to cooperate in such a manner as to preclude successful rehabilitation,".

42 USC 1382d.

(b)(1) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (2) in cases where such individuals receive benefits as a result of section 1631(a)(6) (except that no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to continue to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

42 USC 1383.

(2) The second sentence of section 1615(d) of such Act is amended by inserting after "The determination" the following: "that the vocational rehabilitation services contributed to the successful return of an individual to substantial gainful activity, the determination that an individual, without good cause, refused to continue to accept vocational rehabilitation services or failed to cooperate in such a manner as to preclude successful rehabilitation, and the determination".

Effective date.
42 USC 422 note.

(c) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) or section 1631(a)(6) of the Social Security Act, or who refuse to continue to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

ADVISORY COUNCIL STUDY

42 USC 907 note.

SEC. 12. (a) The Secretary of Health and Human Services shall appoint the members of the next Advisory Council on Social

Security pursuant to section 706 of the Social Security Act prior to June 1, 1985. 42 USC 907. 98 STAT. 1807

(b)(1) The Advisory Council shall include in its review and report, studies and recommendations with respect to the medical and vocational aspects of disability, including studies and recommendations relating to— Report.

(A) the effectiveness of vocational rehabilitation programs for recipients of disability insurance benefits or supplemental security income benefits;

(B) the question of using specialists for completing medical and vocational evaluations at the State agency level in the disability determination process, including the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved;

(C) alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination; 42 USC 1381.

(D) the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(E) the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(F) possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can reasonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and 98 STAT. 1808

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(c) The Advisory Council may convene task forces of experts to consider and comment upon specialized issues.

QUALIFYING EXPERIENCE FOR APPOINTMENT OF CERTAIN STAFF ATTORNEYS TO ADMINISTRATIVE LAW JUDGE POSITIONS

Report.

SEC. 13. The Secretary of Health and Human Services shall, within 120 days after the date of enactment of this Act, submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on actions taken by the Secretary to establish positions which enable staff attorneys to gain the qualifying experience and quality of experience necessary to compete for the position of administrative law judge under section 3105 of title 5, United States Code.

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

42 USC 1382h note.

SEC. 14. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1987".

42 USC 1382h.

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the district offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

Regulations.
42 USC 421 note.
42 USC 421.

SEC. 15. The Secretary of Health and Human Services shall promulgate final regulations, within 180 days after the date of the enactment of this Act, which establish the standards to be used by the Secretary in determining the frequency of reviews under section 221(i) of the Social Security Act. Until such regulations have been issued as final regulations, no individual may be reviewed more than once under section 221(i) of the Social Security Act.

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DETERMINATION AND MONITORING OF NEED FOR REPRESENTATIVE PAYEE

42 USC 405.

SEC. 16. (a) Section 205(j) of the Social Security Act is amended by inserting "(1)" after "(j)" and by adding at the end thereof the following new paragraphs:

"(2) Any certification made under paragraph (1) for payment to a person other than the individual entitled to such payment must be made on the basis of an investigation, carried out either prior to such certification or within forty-five days after such certification, and on the basis of adequate evidence that such certification is in the interest of the individual entitled to such payment (as determined by the Secretary in regulations). The Secretary shall ensure that such certifications are adequately reviewed.

"(3)(A) In any case where payment under this title is made to a person other than the individual entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payments. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(B) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is a parent or spouse of the individual entitled to such payment who lives in the same household as such individual. The Secretary shall require such parent or spouse to verify on a periodic basis that such parent or spouse continues to live in the same household as such individual.

"(C) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each State.

"(D) Subparagraph (A) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution.

"(E) Notwithstanding subparagraphs (A), (B), (C), and (D), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments.

"(4)(A) The Secretary shall make an initial report to each House of the Congress on the implementation of paragraphs (2) and (3) within 270 days after the date of the enactment of this paragraph. Report.

"(B) The Secretary shall include as a part of the annual report required under section 704, information with respect to the implementation of paragraphs (2) and (3), including the number of cases in which the payee was changed, the number of cases discovered where there has been a misuse of funds, how any such cases were dealt with by the Secretary, the final disposition of such cases, including any criminal penalties imposed, and such other information as the Secretary determines to be appropriate.". 42 USC 904.

(b) Section 1631(a)(2) of such Act is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraphs: 42 USC 1383.

"(B) Any determination made under subparagraph (A) that payment should be made to a person other than the individual or spouse entitled to such payment must be made on the basis of an investigation, carried out either prior to such determination or within forty-five days after such determination, and on the basis of adequate evidence that such determination is in the interest of the individual or spouse entitled to such payment (as determined by the Secretary in regulations). The Secretary shall ensure that such determinations are adequately reviewed. 98 STAT. 1810

"(C)(i) In any case where payment is made under this title to a person other than the individual or spouse entitled to such payment, the Secretary shall establish a system of accountability monitoring whereby such person shall report not less often than annually with respect to the use of such payments. The Secretary shall establish and implement statistically valid procedures for reviewing such reports in order to identify instances in which such persons are not properly using such payments.

"(ii) Clause (i) shall not apply in any case where the other person to whom such payment is made is a parent or spouse of the individual entitled to such payment who lives in the same household as such individual. The Secretary shall require such parent or spouse to verify on a periodic basis that such parent or spouse continues to live in the same household as such individual.

"(iii) Clause (i) shall not apply in any case where the other person to whom such payment is made is a State institution. In such cases, the Secretary shall establish a system of accountability monitoring for institutions in each State.

"(iv) Clause (i) shall not apply in any case where the individual entitled to such payment is a resident of a Federal institution and the other person to whom such payment is made is the institution.

"(v) Notwithstanding clauses (i), (ii), (iii), and (iv), the Secretary may require a report at any time from any person receiving payments on behalf of another, if the Secretary has reason to believe that the person receiving such payments is misusing such payments.

Report.

42 USC 904.

Ante, p. 1809.

"(D) The Secretary shall make an initial report to each House of the Congress on the implementation of subparagraphs (B) and (C) within 270 days after the date of the enactment of this subparagraph. The Secretary shall include in the annual report required under section 704, information with respect to the implementation of subparagraphs (B) and (C), including the same factors as are required to be included in the Secretary's report under section 205(j)(4)(B).".

42 USC 1383a.

(c)(1) Section 1632 of the Social Security Act is amended by inserting "(a)" after "Sec. 1632." and by adding at the end thereof the following new subsection:

42 USC 1383.

"(b)(1) Any person or other entity who is convicted of a violation of any of the provisions of paragraphs (1) through (4) of subsection (a), if such violation is committed by such person or entity in his role as, or in applying to become, a payee under section 1631(a)(2) on behalf of another individual (other than such person's eligible spouse), in lieu of the penalty set forth in subsection (a)—

"(A) upon his first such conviction, shall be guilty of a misdemeanor and shall be fined not more than $5,000 or imprisoned for not more than one year, or both; and

"(B) upon his second or any subsequent such conviction, shall be guilty of a felony and shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

98 STAT. 1811

"(2) In any case in which the court determines that a violation described in paragraph (1) includes a willful misuse of funds by such person or entity, the court may also require that full or partial restitution of such funds be made to the individual for whom such person or entity was the certified payee.

42 USC 408.

Ante, p. 1810.

"(3) Any person or entity convicted of a felony under this section or under section 208 may not be certified as a payee under section 1631(a)(2).".

42 USC 408.

(2) Section 208 of such Act is amended by adding at the end thereof the following unnumbered paragraphs:

Ante, p. 1809.

"Any person or other entity who is convicted of a violation of any of the provisions of this section, if such violation is committed by such person or entity in his role as, or in applying to become, a certified payee under section 205(j) on behalf of another individual (other than such person's spouse), upon his second or any subsequent such conviction shall, in lieu of the penalty set forth in the preceding provisions of this section, be guilty of a felony and shall be fined not more than $25,000 or imprisoned for not more than five years, or both. In the case of any violation described in the preceding sentence, including a first such violation, if the court determines that such violation includes a willful misuse of funds by such person or entity, the court may also require that full or partial restitution of such funds be made to the individual for whom such person or entity was the certified payee.

Ante, p. 1810.

"Any individual or entity convicted of a felony under this section or under section 1632(b) may not be certified as a payee under section 205(j).".

Effective date.
42 USC 405 note.

(d) The amendments made by this section shall become effective on the date of the enactment of this Act, and, in the case of the amendments made by subsection (c), shall apply with respect to violations occurring on or after such date.

MEASURES TO IMPROVE COMPLIANCE WITH FEDERAL LAW

SEC. 17. (a)(1) Section 221(b)(1) of the Social Security Act is amended to read as follows:

Investigation.
42 USC 421.

"(b)(1)(A) Upon receiving information indicating that a State agency may be substantially failing to make disability determinations in a manner consistent with regulations and other written guidelines issued by the Secretary, the Secretary shall immediately conduct an investigation and, within 21 days after the date on which such information is received, shall make a preliminary finding with respect to whether such agency is in substantial compliance with such regulations and guidelines. If the Secretary finds that an agency is not in substantial compliance with such regulations and guidelines, the Secretary shall, on the date such finding is made, notify such agency of such finding and request assurances that such agency will promptly comply with such regulations and guidelines.

"(B)(i) Any agency notified of a preliminary finding made pursuant to subparagraph (A) shall have 21 days from the date on which such finding was made to provide the assurances described in subparagraph (A).

"(ii) The Secretary shall monitor the compliance with such regulations and guidelines of any agency providing such assurances in accordance with clause (i) for the 30-day period beginning on the day after the date on which such assurances have been provided.

"(C) If the Secretary determines that an agency monitored in accordance with clause (ii) of subparagraph (B) has not substantially complied with such regulations and guidelines during the period for which such agency was monitored, or if an agency notified pursuant to subparagraph (A) fails to provide assurances in accordance with clause (i) of subparagraph (B), the Secretary shall, within 60 days after the date on which a preliminary finding was made with respect to such agency under subparagraph (A), (or within 90 days after such date, if, at the discretion of the Secretary, such agency is granted a hearing by the Secretary on the issue of the noncompliance of such agency) make a final determination as to whether such agency is substantially complying with such regulations and guidelines. Such determination shall not be subject to judicial review.

98 STAT. 1812

"(D)(i) If the Secretary makes a final determination pursuant to subparagraph (C) with respect to any agency that the agency is not substantially complying with such regulations and guidelines, the Secretary shall, as soon as possible but not later than 180 days after the date of such final determination, make the disability determinations referred to in subsection (a)(1), complying with the requirements of paragraph (3) to the extent that such compliance is possible within such 180-day period. In order to carry out this subparagraph, the Secretary shall, as the Secretary finds necessary, exceed any applicable personnel ceilings and waive any applicable hiring restrictions. In addition, to the extent feasible within the 180-day period after the final determination, the Secretary, in conjunction with the Secretary of Labor, shall assure the statutory protections of State agency employees not hired by the Secretary.

"(ii) During the 180-day period specified in clause (i), the Secretary shall take such actions as may be necessary to assure that any case with respect to which a determination referred to in subsection (a)(1) was made by an agency, during the period for which such agency was not in substantial compliance with the applicable regulations and guidelines, was decided in accordance with such regulations and guidelines.".

(2) Section 221(a)(1) of such Act is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "subsection (b)(1)(C)".

42 USC 421.

(3)(A) Section 221(b)(3)(A) of such Act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subparagraph (D)(i) of paragraph (1), the Secretary".

(B) Section 221(b)(3)(B) of such Act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subparagraph (D)(i) of paragraph (1), the Secretary".

(4) Section 221(d) of such Act is amended by striking out "Any individual" and inserting in lieu thereof "Except as provided in subsection (b)(1)(D), any individual".

Effective date.
42 USC 421 note.
42 USC 1305.

(b) The amendments made by subsection (a) of this section shall become effective on the date of the enactment of this Act and shall expire on December 31, 1987. The provisions of the Social Security Act amended by subsection (a) of this section (as such provisions were in effect immediately before the date of the enactment of this

98 STAT. 1813

Act) shall be effective after December 31, 1987.

SEPARABILITY

42 USC 1303 note.

SEC. 18. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved October 9, 1984.

LEGISLATIVE HISTORY—H.R. 3755 (S. 476):

HOUSE REPORTS: No. 98-618 (Comm. on Ways and Means) and
No. 98-1039 (Comm. of Conference).
SENATE REPORT No. 98-466 accompanying S. 476 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 27, considered and passed House.
May 22, considered and passed Senate, amended, in lieu of S. 476.
Sept. 19, House and Senate agreed to Conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 41 (1984):
Oct. 9, Presidential statement.

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98 STAT. 2200

Public Law 98-474
98th Congress

An Act

Oct. 12, 1984
[H.R. 3979]

To establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes.

Comprehensive Smoking Education Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

15 USC 1331 note.

SECTION 1. This Act may be cited as the "Comprehensive Smoking Education Act".

PURPOSE

15 USC 1331 note.

SEC. 2. It is the purpose of this Act to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings and to enable individuals to make informed decisions about smoking.

SMOKING RESEARCH, EDUCATION, AND INFORMATION

15 USC 1341.

SEC. 3. (a) The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall establish and carry out a program to inform the public of any dangers to human health presented by cigarette smoking. In carrying out such program, the Secretary shall—

(1) conduct and support research on the effect of cigarette smoking on human health and develop materials for informing the public of such effect;

(2) coordinate all research and educational programs and other activities within the Department of Health and Human Services (hereinafter in this section referred to as the "Department") which relate to the effect of cigarette smoking on human health and coordinate, through the Interagency Committee on Smoking and Health (established under subsection (b)), such activities with similar activities of other Federal agencies and of private agencies;

(3) establish and maintain a liaison with appropriate private entities, other Federal agencies, and State and local public agencies respecting activities relating to the effect of cigarette smoking on human health;

(4) collect, analyze, and disseminate (through publications, bibliographies, and otherwise) information, studies, and other data relating to the effect of cigarette smoking on human health, and develop standards, criteria, and methodologies for improved information programs related to smoking and health;

(5) compile and make available information on State and local laws relating to the use and consumption of cigarettes; and

98 STAT. 2201

(6) undertake any other additional information and research activities which the Secretary determines necessary and appropriate to carry out this section.

Establishment.

(b)(1) To carry out the activities described in paragraphs (2) and (3) of subsection (a) there is established an Interagency Committee on Smoking and Health. The Committee shall be composed of—

(A) members appointed by the Secretary from appropriate institutes and agencies of the Department, which may include the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute of Child Health and Human Development, the National Institute on Drug Abuse, the Health Resources and Services Administration, and the Centers for Disease Control;

(B) at least one member appointed from the Federal Trade Commission, the Department of Education, the Department of Labor, and any other Federal agency designated by the Secretary, the appointment of whom shall be made by the head of the entity from which the member is appointed; and

(C) five members appointed by the Secretary from physicians and scientists who represent private entities involved in informing the public about the health effects of smoking.

The Secretary shall designate the chairman of the Committee.

(2) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistance, in the manner provided by sections 5702 and 5703 of title 5 of the United States Code.

(3) The Secretary shall make available to the Committee such staff, information, and other assistance as it may require to carry out its activities effectively.

Report.

(c) The Secretary shall transmit a report to Congress not later than January 1, 1985, and biennially thereafter which shall contain—

(1) an overview and assessment of Federal activities undertaken to inform the public of the health consequences of smoking and the extent of public knowledge of such consequences,

(2) a description of the Secretary's and Committee's activities under subsection (a),

(3) information regarding the activities of the private sector taken in response to the effects of smoking on health, and

(4) such recommendations as the Secretary may consider appropriate.

LABELS FOR CIGARETTES AND CIGARETTE ADVERTISING

SEC. 4. (a) Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"LABELING

"SEC. 4. (a)(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

"SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate
98 STAT. 2202 Pregnancy.

"SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

"SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

"SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

"(2) It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised (other than through the use of outdoor billboards) within the United States any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

"SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

"SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

"SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

"SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

"(3) It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States through the use of outdoor billboards any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

"SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, And Emphysema.

"SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Health Risks.

"SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury And Premature Birth.

"SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

"(b)(1) Each label statement required by paragraph (1) of subsection (a) shall be located in the place label statements were placed on cigarette packages as of the date of the enactment of this subsection. The phrase 'Surgeon General's Warning' shall appear in capital letters and the size of all other letters in the label shall be the same as the size of such letters as of such date of enactment. All the letters in the label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package.

"(2) The format of each label statement required by paragraph (2) of subsection (a) shall be the format required for label statements in cigarette advertising as of the date of the enactment of this subsection, except that the phrase 'Surgeon General's Warning' shall appear in capital letters, the area of the rectangle enclosing the label shall be 50 per centum larger in size with a corresponding increase in the size of the type in the label, the width of the rule forming the border around the label shall be twice that in effect on such date, and the label may be placed at a distance from the outer edge of the advertisement which is one-half the distance permitted on such date. Each label statement shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material in the advertisement.

"(3) The format and type style of each label statement required by paragraph (3) of subsection (a) shall be the format and type style required in outdoor billboard advertising as of the date of the enactment of this subsection. Each such label statement shall be printed in capital letters of the height of the tallest letter in a label statement on outdoor advertising of the same dimension on such date of enactment. Each such label statement shall be enclosed by a black border which is located within the perimeter of the format required in outdoor billboard advertising of the same dimension on such date of enactment and the width of which is twice the width of the vertical element of any letter in the label statement within the border.

"(c) The label statements specified in paragraphs (1), (2), and (3) of subsection (a) shall be rotated by each manufacturer or importer of cigarettes quarterly in alternating sequence on packages of each brand of cigarettes manufactured by the manufacturer or importer and in the advertisements for each such brand of cigarettes in accordance with a plan submitted by the manufacturer or importer and approved by the Federal Trade Commission. The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by paragraphs (1), (2), and (3) will be displayed by the manufacturer or importer at the same time.

"(d) Subsection (a) does not apply to a distributor or a retailer of cigarettes who does not manufacture, package, or import cigarettes for sale or distribution within the United States.".

(b) The amendment made by subsection (a) shall take effect upon the expiration of a one-year period beginning on the date of the enactment of this Act.

Effective date.
15 USC 1333 note.

CIGARETTE INGREDIENTS

SEC. 5. (a) The Federal Cigarette Labeling and Advertising Act is amended by redesignating sections 7 through 12 as sections 8 through 13, respectively, and by inserting after section 6 the following new section:

15 USC 1336-1340, 1331 note.

"CIGARETTE INGREDIENTS

"SEC. 7. (a) Each person who manufactures, packages, or imports cigarettes shall annually provide the Secretary with a list of the ingredients added to tobacco in the manufacture of cigarettes which does not identify the company which uses the ingredients or the brand of cigarettes which contain the ingredients. A person or group of persons required to provide a list by this subsection may designate an individual or entity to provide the list required by this subsection.

15 USC 1335a.

"(b)(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

Report.

"(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of cigarettes and the findings of such research;

"(B) information pertaining to any such ingredient which in the judgement of the Secretary poses a health risk to cigarette smokers; and

98 STAT. 2204

"(C) any other information which the Secretary determines to be in the public interest.

Confidentiality.

"(2)(A) Any information provided to the Secretary under subsection (a) shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code and section 1905 of title 18, United States Code and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

"(B) Subparagraph (A) does not authorize the withholding of a list provided under subsection (a) from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such a list, the Secretary shall make the list available to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the list of such request.

"(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a). Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

"(i) shall take physical possession of the information and, when not in use by a person authorized to have access to such information, shall store it in a locked cabinet or file, and

"(ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.".

Effective date.
15 USC 1335a note.

(b) Section 7 of the Federal Cigarette Labeling and Advertising Act added by subsection (a) shall take effect upon the expiration of the one-year period beginning on the date of the enactment of this Act.

MISCELLANEOUS AMENDMENTS

SEC. 6. (a) Paragraph (1) of section 2 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331) is amended to read as follows:

"(1) the public may be adequately informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement of cigarettes; and".

(b) Section 3 of such Act (15 U.S.C. 1332) is amended by adding at the end the following:

"(8) The term 'Secretary' means the Secretary of Health and Human Services.".

(c) Section 8 of such Act (15 U.S.C. 1336) (as so redesignated) is amended to read as follows:

"FEDERAL TRADE COMMISSION

Ante, p. 2201.

"SEC. 8. Nothing in this Act (other than the requirements of section 4(b)) shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.".

98 STAT. 2205

(d) Section 9 of such Act (15 U.S.C. 1337) (as so redesignated) is amended—

(1) by striking out "of Health, Education, and Welfare" in subsection (a),

(2) by redesignating clauses (A) and (B) in such subsection as clauses (1) and (2), respectively,

(3) by striking out clause (A) in subsection (b) and by redesignating clauses (B) and (C) as clauses (1) and (2), respectively.

Approved October 12, 1984.

LEGISLATIVE HISTORY—H.R. 3979:

HOUSE REPORT No. 98-805 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 10, considered and passed House.
Sept. 26, considered and passed Senate, amended; House concurred in Senate amendments.

Public Law 98-493
98th Congress

98 STAT. 2272

An Act

To amend the Act providing for the incorporation of certain persons as Group Hospitalization, Inc.

Oct. 17, 1984
[H.R. 6223]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Corporation

SECTION 1. The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (hereinafter in this Act referred to as "the Act"), is amended by striking out "Group Hospitalization, Inc." and inserting in lieu thereof "Group Hospitalization and Medical Services, Inc.".

SEC. 2. Section 2 of the Act is amended—

(1) in subsection (a) by inserting "and medical care" after "hospitalization";

(2) in subsection (b)—

(A) by inserting "and other providers" after "hospitals"; and

(B) by striking out "and" after "certificates;"; and

(3) in subsection (c)—

(A) by striking out "groups" and inserting in lieu thereof "individuals, groups,"; and

(B) by striking out the period at the end of such subsection and inserting in lieu thereof "; and (d) to engage in any lawful business that is incidental to or supportive of the business and affairs of this corporation.".

SEC. 3. Section 3 of the Act is amended by striking out all after the second sentence and inserting in lieu thereof the following: "The number of trustees, their terms of office, and the manner in which they may be elected shall be fixed by the bylaws.".

98 STAT. 2273

SEC. 4. Section 8 of the Act is amended by inserting "and unemployment compensation" after "real estate".

SEC. 5. The title of the Act is amended to read as follows: "An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc.".

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 6223:

HOUSE REPORTS: No. 98-1022 and Pt. 2 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 17, considered and passed House.
Oct. 3, considered and passed Senate.

98 STAT. 2339

Public Law 98-507
98th Congress

An Act

Oct. 19, 1984
[S. 2048]

To provide for the establishment of the Task Force on Organ Transplantation and the Organ Procurement and Transplantation Network, to authorize financial assistance for organ procurement organizations, and for other purposes.

National Organ Transplant Act.
42 USC 201 note.
Health.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Organ Transplant Act".

TITLE I—TASK FORCE ON ORGAN PROCUREMENT AND TRANSPLANTATION

ESTABLISHMENT AND DUTIES OF TASK FORCE

42 USC 273 note.

SEC. 101. (a) Not later than ninety days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall establish a Task Force on Organ Transplantation (hereinafter in this title referred to as the "Task Force").

(b)(1) The Task Force shall—

(A) conduct comprehensive examinations of the medical, legal, ethical, economic, and social issues presented by human organ procurement and transplantation,

(B) prepare the assessment described in paragraph (2) and the report described in paragraph (3), and

(C) advise the Secretary with respect to the development of regulations for grants under section 371 of the Public Health Service Act.

Post, p. 2342.

(2) The Task Force shall make an assessment of immunosuppressive medications used to prevent organ rejection in transplant patients, including—

(A) an analysis of the safety, effectiveness, and costs (including cost-savings from improved success rates of transplantation) of different modalities of treatment;

(B) an analysis of the extent of insurance reimbursement for long-term immunosuppressive drug therapy for organ transplant patients by private insurers and the public sector;

(C) an identification of problems that patients encounter in obtaining immunosuppressive medications; and

(D) an analysis of the comparative advantages of grants, coverage under existing Federal programs, or other means to assure that individuals who need such medications can obtain them.

Report.

(3) The Task Force shall prepare a report which shall include—

(A) an assessment of public and private efforts to procure human organs for transplantation and an identification of factors that diminish the number of organs available for transplantation;

(B) an assessment of problems in coordinating the procurement of viable human organs including skin and bone;

98 STAT. 2340

(C) recommendations for the education and training of health professionals, including physicians, nurses, and hospital and emergency care personnel, with respect to organ procurement;

(D) recommendations for the education of the general public, the clergy, law enforcement officers, members of local fire departments, and other agencies and individuals that may be instrumental in effecting organ procurement;

(E) recommendations for assuring equitable access by patients to organ transplantation and for assuring the equitable allocation of donated organs among transplant centers and among patients medically qualified for an organ transplant;

(F) an identification of barriers to the donation of organs to patients (with special emphasis upon pediatric patients), including an assessment of—

(i) barriers to the improved identification of organ donors and their families and organ recipients;

(ii) the number of potential organ donors and their geographical distribution;

(iii) current health care services provided for patients who need organ transplantation and organ procurement procedures, systems, and programs which affect such patients;

(iv) cultural factors affecting the family with respect to the donation of the organs; and

(v) ethical and economic issues relating to organ transplantation needed by chronically ill patients;

(G) recommendations for the conduct and coordination of continuing research concerning all aspects of the transplantation of organs;

(H) an analysis of the factors involved in insurance reimbursement for transplant procedures by private insurers and the public sector;

(I) an analysis of the manner in which organ transplantation technology is diffused among and adopted by qualified medical centers, including a specification of the number and geographical distribution of qualified medical centers using such technology and an assessment of whether the number of centers using such technology is sufficient or excessive and of whether the public has sufficient access to medical procedures using such technology; and

(J) an assessment of the feasibility of establishing, and of the likely effectiveness of, a national registry of human organ donors.

MEMBERSHIP

SEC. 102. (a) The Task Force shall be composed of twenty-five members as follows: 42 USC 273 note.

(1) Twenty-one members shall be appointed by the Secretary of which:

(A) nine members shall be physicians or scientists who are eminent in the various medical and scientific specialties related to human organ transplantation;

(B) three members shall be individuals who are not physicians and who represent the field of human organ procurement;

(C) four members shall be individuals who are not physicians and who as a group have expertise in the fields of law, theology, ethics, health care financing, and the social and behavioral sciences;

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(D) three members shall be individuals who are not physicians or scientists and who are members of the general public; and

(E) two members shall be individuals who represent private health insurers or self-insurers.

(2) The Surgeon General of the United States, the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, and the Administrator of the Health Care Financing Administration shall be ex officio members.

(b) No individual who is a full-time officer or employee of the United States may be appointed under subsection (a)(1) to the Task Force. A vacancy in the Task Force shall be filled in the manner in which the original appointment was made. A vacancy in the Task Force shall not affect its powers.

(c) Members shall be appointed for the life of the Task Force.

(d) The Task Force shall select a Chairman from among its members who are appointed under subsection (a)(1).

(e) Thirteen members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(f) The Task Force shall hold its first meeting on a date specified by the Secretary which is not later than thirty days after the date on which the Secretary establishes the Task Force under section 101. Thereafter, the Task Force shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Task Force.

(g)(1) Each member of the Task Force who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Task Force. Each member of the Task Force who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Task Force, all members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SUPPORT FOR THE TASK FORCE

42 USC 273 note.

SEC. 103. (a) Upon request of the Task Force, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(b) The Secretary shall provide the Task Force with such administrative and support services as the Task Force may require to carry out its duties.

REPORT

42 USC 273 note.

SEC. 104. (a) The Task Force may transmit to the Secretary, the 98 STAT. 2342 Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives such interim reports as the Task Force considers appropriate.

Report.

(b) Not later than 7 months after the date on which the Task Force is established by the Secretary under section 101, the Task Force shall transmit a report to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives on its assessment under section 101(b)(2) of immunosuppressive medications used to prevent organ rejection.

Report.

(c) Not later than twelve months after the date on which the Task Force is established by the Secretary under section 101, the Task Force shall transmit a final report to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives. The final report of the Task Force shall include—

(1) a description of any findings and conclusions of the Task Force made pursuant to any examination conducted under section 101(b)(1)(A),

(2) the matters specified in section 101(b)(3), and

(3) such recommendations as the Task Force considers appropriate.

TERMINATION

42 USC 273 note.

SEC. 105. The Task Force shall terminate three months after the date on which the Task Force transmits the report required by section 104(c).

TITLE II—ORGAN PROCUREMENT ACTIVITIES

SEC. 201. Part H of title III of the Public Health Service Act is amended to read as follows:

"PART H—ORGAN TRANSPLANTS

"ASSISTANCE FOR ORGAN PROCUREMENT ORGANIZATIONS

Grants.
42 USC 273.

"SEC. 371. (a)(1) The Secretary may make grants for the planning of qualified organ procurement organizations described in subsection (b).

"(2) The Secretary may make grants for the establishment, initial operation, and expansion of qualified organ procurement organizations described in subsection (b).

"(3) In making grants under paragraphs (1) and (2), the Secretary shall—

"(A) take into consideration any recommendations made by the Task Force on Organ Transplantation established under section 101 of the National Organ Transplant Act, and

Ante, p. 2339.

"(B) give special consideration to applications which cover geographical areas which are not adequately served by organ procurement organizations.

"(b)(1) A qualified organ procurement organization for which grants may be made under subsection (a) is an organization which, as determined by the Secretary, will carry out the functions described in paragraph (2) and—

"(A) is a nonprofit entity,

"(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to assure the fiscal stability of the organization,

"(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys,

42 USC 1395.

"(D) has procedures to obtain payment for non-renal organs provided to transplant centers,

"(E) has a defined service area which is a geographical area of sufficient size which (unless the service area comprises an entire State) will include at least fifty potential organ donors each year and which either includes an entire standard metropolitan statistical area (as specified by the Office of Management and Budget) or does not include any part of such an area,

"(F) has a director and such other staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area, and

"(G) has a board of directors or an advisory board which—

"(i) is composed of—

"(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health associations in its service area,

"(II) members who represent the public residing in such area,

"(III) a physician with knowledge, experience, or skill in the field of histocompatability,

"(IV) a physician with knowledge or skill in the field of neurology, and

"(V) from each transplant center in its service area which has arrangements described in paragraph (2)(G) with the organization, a member who is a surgeon who has practicing privileges in such center and who performs organ transplant surgery,

"(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (2), and

"(iii) has no authority over any other activity of the organization.

"(2) An organ procurement organization shall—

"(A) have effective agreements, to identify potential organ donors, with a substantial majority of the hospitals and other health care entities in its service area which have facilities for organ donations,

"(B) conduct and participate in systematic efforts, including professional education, to acquire all useable organs from potential donors,

"(C) arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network under section 372(b)(2)(D),

"(D) arrange for the appropriate tissue typing of donated organs,

"(E) have a system to allocate donated organs among transplant centers and patients according to established medical criteria,

"(F) provide or arrange for the transportation of donated organs to transplant centers,

"(G) have arrangements to coordinate its activities with transplant centers in its service area,

"(H) participate in the Organ Procurement Transplantation Network established under section 372,

"(I) have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all useable tissues are obtained from potential donors, and

"(J) evaluate annually the effectiveness of the organization in acquiring potentially available organs.

Appropriation authorization.

"(c) For grants under subsection (a) there are authorized to be appropriated $5,000,000 for fiscal year 1985, $8,000,000 for fiscal year 1986, and $12,000,000 for fiscal year 1987.

"ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK

42 USC 274.

"SEC. 372. (a) The Secretary shall by contract provide for the establishment and operation of an Organ Procurement and Transplantation Network which meets the requirements of subsection (b). The amount provided under such contract in any fiscal year may not exceed $2,000,000. Funds for such contracts shall be made available from funds available to the Public Health Service from appropriations for fiscal years beginning after fiscal year 1984.

"(b)(1) The Organ Procurement and Transplantation Network shall carry out the functions described in paragraph (2) and shall—

"(A) be a private nonprofit entity which is not engaged in any activity unrelated to organ procurement, and

"(B) have a board of directors which includes representatives of organ procurement organizations (including organizations which have received grants under section 371), transplant centers, voluntary health associations, and the general public.

"(2) The Organ Procurement and Transplantation Network shall—

"(A) establish in one location or through regional centers—

"(i) a national list of individuals who need organs, and

"(ii) a national system, through the use of computers and in accordance with established medical criteria, to match organs and individuals included in the list, especially individuals whose immune system makes it difficult for them to receive organs,

"(B) maintain a twenty-four-hour telephone service to facilitate matching organs with individuals included in the list,

"(C) assist organ procurement organizations in the distribution of organs which cannot be placed within the service areas of the organizations, "(D) adopt and use standards of quality for the acquisition and transportation of donated organs,

"(E) prepare and distribute, on a regionalized basis, samples of blood sera from individuals who are included on the list and whose immune system makes it difficult for them to receive organs, in order to facilitate matching the compatability of such individuals with organ donors,

"(F) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers,

"(G) provide information to physicians and other health professionals regarding organ donation, and

"(H) collect, analyze, and publish data concerning organ donation and transplants.

"SCIENTIFIC REGISTRY

42 USC 274a.

"SEC. 373. The Secretary shall, by grant or contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include such information respecting patients and transplant procedures as the Secretary deems necessary to an ongoing evaluation of the scientific and clinical status of organ transplantation. The Secretary shall prepare for inclusion in the report under section 376 an analysis of information derived from the registry.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

Grants.
42 USC 274b.

"SEC. 374. (a) No grant may be made under section 371 or 373 or contract entered into under section 372 or 373 unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be in such form and shall be submitted in such manner as the Secretary shall by regulation prescribe.

"(b)(1) In considering applications for grants under section 371—

"(A) the Secretary shall give priority to any applicant which has a formal agreement of cooperation with all transplant centers in its proposed service area,

"(B) the Secretary shall give special consideration to organizations which met the requirements of section 371(b) before the date of the enactment of this section, and

"(C) the Secretary shall not discriminate against an applicant solely because it provides health care services other than those related to organ procurement.

Prohibition.

The Secretary may not make a grant for more than one organ procurement organization which serve the same service area.

"(2) A grant for planning under section 371 may be made for one year with respect to any organ procurement organization and may not exceed $100,000.

"(3) Grants under section 371 for the establishment, initial operation, or expansion of organ procurement organizations may be made for two years. No such grant may exceed $500,000 for any year and no organ procurement organization may receive more than $800,000 for initial operation or expansion.

"(c)(1) The Secretary shall determine the amount of a grant made under section 371 or 373. Payments under such grants may be made in advance on the basis of estimates or by the way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants.

Records.

"(2)(A) Each recipient of a grant under section 371 or 373 shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the undertaking in connection with which such grant was made, and the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit.

"(B) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of a grant under section 371 or 373 that are pertinent to such grant.

"(d) For purposes of this part:

"(1) The term 'transplant center' means a health care facility in which transplants of organs are performed.

"(2) The term 'organ' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by the Secretary by regulation and for purposes of section 373, such term includes bone marrow.

"ADMINISTRATION

42 USC 274c.

"Sec. 375. The Secretary shall, during fiscal years 1985, 1986, 1987, and 1988, designate and maintain an identifiable administrative unit in the Public Health Service to—

42 USC 1395.

"(1) administer this part and coordinate with the organ procurement activities under title XVIII of the Social Security Act,

Public information.

"(2) conduct a program of public information to inform the public of the need for organ donations,

"(3) provide technical assistance to organ procurement organizations receiving funds under section 371, the Organ Procurement and Transplantation Network established under section 372, and other entities in the health care system involved in organ donations, procurement, and transplants, and

Report.

"(4) one year after the date on which the Task Force on Organ Transplantation transmits its final report under section 104(c) of the National Organ Transplant Act, and annually thereafter through fiscal year 1988, submit to Congress an annual report on the status of organ donation and coordination services and include in the report an analysis of the efficiency and effectiveness of the procurement and allocation of organs and a description of problems encountered in the procurement and allocation of organs.

"REPORT

42 USC 274d.

"Sec. 376. The Secretary shall annually publish a report on the scientific and clinical status of organ transplantation. The Secretary shall consult with the Director of the National Institutes of Health and the Commissioner of the Food and Drug Administration in the preparation of the report.".

TITLE III—PROHIBITION OF ORGAN PURCHASES

Penalties.
42 USC 274e.

Sec. 301. (a) It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce.

(b) Any person who violates subsection (a) shall be fined not more than $50,000 or imprisoned not more than five years, or both.

(c) For purposes of subsection (a):

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(1) The term "human organ" means the human kidney, liver, heart, lung, pancreas, bone marrow, cornea, eye, bone, and skin, and any other human organ specified by the Secretary of Health and Human Services by regulation.

(2) The term "valuable consideration" does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

(3) The term "interstate commerce" has the meaning prescribed for it by section 201(b) of the Federal Food, Drug and Cosmetic Act.

21 USC 321.

TITLE IV—MISCELLANEOUS

BONE MARROW REGISTRY DEMONSTRATION AND STUDY

SEC. 401. (a) Not later than nine months after the date of enactment of this Act, the Secretary of Health and Human Services shall hold a conference on the feasibility of establishing and the effectiveness of a national registry of voluntary bone marrow donors.

42 USC 273 note.

(b) If the conference held under subsection (a) finds that it is feasible to establish a national registry of voluntary donors of bone marrow and that such a registry is likely to be effective in matching donors with recipients, the Secretary of Health and Human Services, acting through the Assistant Secretary for Health, shall, for purposes of the study under subsection (c), establish a registry of voluntary donors of bone marrow. The Secretary shall assure that—

(1) donors of bone marrow listed in the registry have given an informed consent to the donation of the bone marrow; and

(2) the names of the donors in the registry are kept confidential and access to the names and any other information in the registry is restricted to personnel who need the information to maintain and implement the registry, except that access to such other information shall be provided for purposes of the study under subsection (c).

If the conference held under subsection (a) makes the finding described in this subsection, the Secretary shall establish the registry not later than six months after the completion of the conference.

(c) The Secretary of Health and Human Services, acting through the Assistant Secretary for Health, shall study the establishment and implementation of the registry under subsection (b) to identify the issues presented by the establishment of such a registry, to evaluate participation of bone marrow donors, to assess the implementation of the informed consent and confidentiality requirements, and to determine if the establishment of a permanent bone marrow registry is needed and appropriate. The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than two years after the date the registry is established under subsection (b).

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Report.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2048 (H.R. 5580) (H.R. 4080):

HOUSE REPORTS: No. 98-575, Pt. 1, accompanying H.R. 4080 (Comm. on Energy and Commerce), No. 98-769 accompanying H.R. 5580 (Comm. on Energy and Commerce), and No. 98-1127 (Comm. of Conference).
SENATE REPORT No. 98-382 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
 Apr. 11, considered and passed Senate.
 June 20, 21, H.R. 5580 considered and passed House; S. 2048, amended, passed in lieu.
 Oct. 3, House agreed to conference report.
 Oct. 4, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):
 Oct. 19, Presidential statement.

98 STAT. 2353 Public Law 98-509
98th Congress

An Act

Oct. 19, 1984
[S. 2303]

To amend the Public Health Service Act to revise and extend the authorities of that Act for assistance for alcohol and drug abuse and mental health services.

Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—AMENDMENTS TO TITLE XIX OF THE PUBLIC HEALTH SERVICE ACT

SEC. 101. Section 1911 (42 U.S.C. 300x) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$515,000,000 for fiscal year 1985, $545,000,000 for fiscal year 1986, and $576,000,000 for fiscal year 1987".

SEC. 102. (a) Title XIX is amended by striking out section 1912 and inserting in lieu thereof the following:

"GRANTS

42 USC 300x-1.

"SEC. 1912. (a) The Secretary may use not more than 1 percent of the amount appropriated under section 1911 for any fiscal year to make grants to public and nonprofit private entities for projects for the training and retraining of employees adversely affected by changes in the delivery of mental health services and for providing such employees assistance in securing employment.

"(b) No grant may be made by the Secretary under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a).

"ALLOTMENTS

42 USC 300x-1a.

"SEC. 1913. (a)(1) If the amount available for allotment from appropriations under section 1911 for a fiscal year does not exceed

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$490,000,000, the Secretary shall allot such amount—

"(A) on the basis of a formula prescribed by the Secretary which is based equally—

"(i) on the population of each State, and

"(ii) the population of each State weighted by its relative per capita income, or

"(B) on the basis of the amount received by a State in fiscal year 1984,

whichever yields a higher amount. For purposes of subparagraph (A), the term 'relative per capita income' means the quotient of the per capita income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Commonwealth of Puerto Rico, or the Virgin Islands, the quotient shall be considered to be one.

"(2) If the amount available for allotment from appropriations

42 USC 300x.

under section 1911 for a fiscal year is at least $490,000,000, the Secretary shall allot $490,000,000 in accordance with paragraph (1) and shall allot the amount which is in excess of such amount on the basis of the formula described in paragraph (1)(A).

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts to be allotted to each State pursuant to paragraph (1)(B) in any fiscal year exceeds the total amount available for allotment from appropriations under section 1911, the amount to be allotted to a State for such fiscal year shall be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such paragraph as the total amount available for allotment from appropriations under section 1911 bears to the total of the amount required to be appropriated and made available under such section for allotments to provide each State with the allotment required by such paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1916 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1917(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

Indians.

"(b)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary on this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for the fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same

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ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1980 by the Secretary to such tribe or tribal organization under—

"(A) the Community Mental Health Centers Act, 42 USC 2681 note.

"(B) the Mental Health Systems Act, 42 USC 9401 note.

"(C) section 301 of this Act, 42 USC 241.

"(D) sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970, and 42 USC 4571, 4578.

"(E) sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 21 USC 1176 note, 1177.

bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

25 USC 450b.

42 USC 300x-1a note.

(b)(1) The Secretary of Health and Human Services shall enter into an agreement with a nongovernmental entity to review the allotment of funds to the States under part B of title XIX of the Public Health Service Act for the purpose of determining whether a formula for the allotment of funds under such part can be devised which is more equitable than the formula specified in section 1913 of such Act. In conducting such review, such entity shall consider—

42 USC 300x.

42 USC 300x-2.

(A) the financial resources of the various States;

(B) the populations of the States;

(C) any relevant conditions or circumstances which have changed since the date of enactment of such part B; and

(D) any other factor which the Secretary may consider appropriate.

(2) In conducting the review required by paragraph (1), such entity shall consult with appropriate representatives of State and local governments.

Report.

(3) By October 1, 1986, the Secretary shall prepare and transmit to the Congress a report concerning the review conducted under paragraph (1) which includes such recommendations as the Secretary considers appropriate.

Post, p. 2359.

SEC. 103. (a) Section 1915(c)(6) (42 U.S.C. 300x-4(c)(6)) is amended by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) The State agrees to use 75 percent of the funds allotted to it under section 1913 for fiscal years beginning after fiscal year 1984 for the mental health and alcohol and drug abuse activities prescribed by section 1915(a) as prescribed by subparagraph (A).".

(b) Section 1915(c) is amended—

(1) in paragraph (2) by striking out "fiscal years 1982, 1983, and 1984" and inserting in lieu thereof "fiscal years 1985, 1986, and 1987"; and

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(2) by adding at the end thereof the following:

Women.

"(14) Of the amount allotted to a State under this part in any fiscal year, the State agrees to use not less than 5 percent of such amount to initiate and provide new alcohol and drug abuse services for women.

"(15) Of the amounts to be used in any fiscal year for mental health activities, the State agrees to use not less than 10 percent of such amount to initiate and provide (A) new mental health services for severely disturbed children and adolescents, and (B) new comprehensive community mental health programs for underserved areas or for underserved populations.".

Post, p. 2359.

42 USC 300x-4.

Comprehensive plan.

(d)(1) Section 1915 is amended by redesignating subsection (e) as subsection (h) and by inserting after subsection (d) the following new subsections:

"(e) With amounts available under section 1915(a), the chief executive officer of a State may prepare and submit a comprehensive mental health plan which shall include—

"(1) an identification of the mental health service areas within the State and the agency responsible for the delivery and coordination of mental health services within the State;

"(2) an identification of the need in each mental health service area of the State for mental health and related services, particularly the need for services to chronically mentally ill individuals, seriously mentally ill children, adolescents, and elderly individuals, and other identified populations;

"(3) a description of the resources devoted to and activities to be carried out under the plan, including—

"(A) a description of mental health activities (including activities for chronically mentally ill individuals) funded or supported under this Act, "(B) a description of mental health activities (including activities for chronically mentally ill individuals) funded or supported by State appropriations,

"(C) a description of mental health and related support activities (including activities for chronically mentally ill individuals) funded under or supported through title XIX of the Social Security Act and other programs of Federal assistance, and

42 USC 1396.

"(D) to the extent feasible, a description of mental health activities reimbursed or provided in the State by private third party insurers and local governments;

"(4) the mental health prevention and treatment objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(5) a strategy for the establishment and implementation for chronically mentally ill individuals of an organized community-based system of care which shall provide for quantitative targets to be achieved in the implementation of the plan, including numbers of chronically mentally ill individuals residing in the areas to be served, a description of services to be provided to such individuals in gaining access to essential mental health services, and a description of medical and dental care and rehabilitation services and employment, housing, and other support services designed to enable such individuals to function outside of inpatient institutions to the maximum extent of their capabilities;

"(6) quantitative targets for provision of community-based mental health services for underserved populations, with particular emphasis on elderly individuals, children and adolescents, and individuals residing in areas without adequate outpatient treatment facilities; and

"(7) a method for the periodic evaluation of the plan's effectiveness in meeting the objectives set forth in the plan.

"(f) With amounts available under section 1915(a), the chief executive officer of the State may establish a State mental health services planning council which will—

"(1) serve as an advocate for chronically mentally ill individuals, seriously mentally ill children, adolescents, elderly individuals, and other individuals with mental illness or emotional problems, and

"(2) monitor, review, and evaluate, not less often than annually, the allocation and adequacy of mental health services within the State.

Such a council shall be made up of residents of the State and include in its membership representatives of the principal State agencies involved in mental health, higher education training facilities, and public and private entities concerned with the need, planning, operation, funding, and use of mental health and related services and activities. At least one half of the membership shall consist of individuals who are not State employees or providers of mental health services.

Report.

"(g) The Secretary shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the new programs and services initiated and provided in accordance with paragraphs (14) and (15) of subsection (c). The report shall include a detailed description of such programs and services, an assessment of the adequacy of such programs and services in meeting the alcohol and drug abuse treatment needs of women and the mental health needs of severely disturbed children and adolescents, and such other information, including legislative and administrative recommendations, as the Secretary deems appropriate.".

Post, p. 2359.
42 USC 300x-4.

(2) Section 1915(c)(2) is amended by striking out "(e)" and inserting in lieu thereof "(h)".

(3) Section 1915(c)(4)(C) is amended by inserting before the comma the following: "or psychosocial rehabilitation services".

Post, p. 2359.

Sec. 104. (a) Section 1916(a) (42 U.S.C. 300x-5(a)) is amended by striking out "and (3)" and inserting in lieu thereof "(3) to furnish the Secretary a detailed description of the new programs and services initiated and provided in accordance with paragraphs (14) and (15) of section 1916(c), and (4)".

Audits.
42 USC 300x-5.

(b) Paragraph (2) of section 1916(b) is amended to read as follows:

"(2) Each State shall provide for one of the following:

Post, p. 2359.
42 USC 300x-3.

"(A) A financial and compliance audit of the funds provided the State under section 1914. Such audits shall be performed biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 1914. An audit of such an entity shall be conducted biennially, shall cover expenditures in each fiscal year, and shall be conducted in accordance with standards of the Comptroller General referred to in subparagraph (A).

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Report.
Public availability.

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary and shall be made available for public inspection. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.".

Post, p. 2359.
42 USC 300x-5.

(c) Paragraph (6) of section 1916(b) is amended by striking out "1983" and inserting in lieu thereof "1986".

(d) Section 1916 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part in order to enable States to share uniform data and information with respect to the provision of such services.".

Post, p. 2359.
42 USC 300x-9.

Sec. 105. (a) Section 1920 is amended to read as follows:

"TECHNICAL ASSISTANCE; DATA COLLECTION

"Sec. 1920. The Secretary, through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall—

"(1) provide technical assistance to States (including public and nonprofit private entities within States) with respect to programs conducted under part B of title XIX; and

42 USC 300x.

"(2) conduct data collection activities with respect to such programs, including data collection activities concerning the types of alcoholism, alcohol abuse, drug abuse, and mental health treatment and prevention activities conducted under such part, the number and types of individuals receiving services under such programs and activities, and the sources of funding (other than funding provided under such part) for such programs and activities.".

42 USC 300x-3.

(b) Section 1914(a) is amended—

(1) by striking out paragraph (2),

(2) by striking out "(1)", and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively.

42 USC 300x, 300x-2—300x-5, 300x-7.

Sec. 106. (a) Sections 1911, 1913, 1914, 1915, 1916, and 1918 are each amended by striking out "1912" each place it occurs and inserting in lieu thereof "1913".

42 USC 300x-2, 300x-3, 300x-5, 300-6.

(b) Sections 1914, 1915, and 1916 are each amended by striking out "1913" each place it occurs and inserting in lieu thereof "1914".

(c) Sections 1913 and 1915 are each amended by striking out "1914" each place it appears and inserting in lieu thereof "1915".

(d) Sections 1913, 1914, 1916, and 1917 are each amended by striking out "1915" each place it occurs and inserting in lieu thereof "1916".

42 USC 300x-2—300x-6.

(e) Sections 1912 and 1913 are each amended by striking out "1916" each place it occurs and inserting in lieu thereof "1917".

42 USC 300x-1, 300x-2.

(f) Section 1915 is amended by striking out "1917" and inserting in lieu thereof "1918".

42 USC 300x-4.

98 STAT. 2359

(g) The section entitled "Payments Under Allotments to States" is redesignated as section 1914 and the existing section 1914 and sections 1915 through 1920 are redesignated as sections 1915 through 1920A, respectively.

42 USC 300x-4—300x-9.

(h) The sections of the Public Health Service Act amended by this section are sections of the Act as in effect on the day before the date of the enactment of this Act.

Sec. 107. The amendments made by this title shall apply with respect to applications for allotments under part B of title XIX of the Public Health Service Act for fiscal years beginning after fiscal year 1984 and to allotments made under such part for such fiscal years.

Effective date.

42 USC 300x.

TITLE II—AMENDMENTS TO TITLE V OF THE PUBLIC HEALTH SERVICE ACT

Sec. 201. (a) Section 501(c) is amended to read as follows:

42 USC 290aa.
Alcohol, Drug Abuse, and Mental Health Advisory Board, establishment.

"(c)(1) There is established the Alcohol, Drug Abuse, and Mental Health Advisory Board (hereinafter in this subsection referred to as the 'Board'). The Board shall—

"(A) periodically assess the national needs for alcoholism, alcohol abuse, drug abuse, and mental health services and the extent to which those needs are being met by State, local, and private programs and programs receiving funds under this title and part B of title XIX, and

"(B) provide advice to the Secretary and the Administrator respecting activities carried out under this title and part B of title XIX.

"(2)(A) The Board shall consist of fifteen members appointed by the Secretary and such ex officio members from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health as the Secretary may designate. Of the members appointed to the Board, at least six members shall represent State and private, nonprofit providers of prevention and treatment services for alcoholism, alcohol abuse, drug abuse, and mental illness, at least six members shall be individuals with expertise in public education and prevention services for alcoholism, alcohol abuse, drug abuse, and mental illness, and at least three members shall be appointed from members of the general public who are knowledgeable about alcoholism, alcohol abuse, drug abuse, and mental illness.

"(B) The term of office of a member appointed to the Board is four years, except that of the members first appointed to the Board—

"(i) five shall serve for terms of one year,

"(ii) five shall serve for terms of two years,

"(iii) five shall serve for terms of three years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the successor of the member has taken office.

"(3)(A) Except as provided in subparagraph (B), members of the Board shall (i) be paid not more than the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General

5 USC 5332 note.

98 STAT. 2360

Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board, and (ii) while away from their homes or regular places of business and while serving in the business of the Board, be entitled to receive transportation expenses as prescribed by section 5703 of title 5, United States Code.

"(B) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Board.

"(4) The Board may appoint such staff personnel as the Board considers appropriate.

"(5) The Secretary shall designate the chairman of the Board.

"(6) The Board shall meet at least three times each calendar year.

Report.

"(7) The Board shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on its activities during the prior year and shall include in such report such recommendations for legislation and administrative action as it deems appropriate.".

42 USC 290aa.

(b) Section 501 is amended by inserting at the end the following:

Grants.

"(g) The Secretary, acting through the Administrator, shall make grants to schools of the health professions and schools of social work to support the training of students in such schools in the identification and treatment of alcohol and drug abuse. Grants under this subsection shall be made from funds available under this title and section 303.

"(h)(1) The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have scientific or professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of the research institutes under the Administration.

"(2)(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a)(1), 5724a(a)(3), and 5726(c) of title 5, United States Code.

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond the control of the expert or consultant that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.".

42 USC 290aa-2.

SEC. 202. Section 503 is amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

42 USC 290aa-3.

SEC. 203. Subsection (e) of section 504 is amended (1) by striking out "Minority Concerns" each place it occurs and inserting in lieu thereof "Special Populations", and (2) by inserting "women and" before "minority" each place it occurs.

98 STAT. 2362

42 USC 290aa-3.

SEC. 204. Section 504 is amended by adding at the end the following:

Grants.

"(f)(1) The Secretary, acting through the Director, may make grants to States, political subdivisions of States, and private nonprofit agencies for mental health services demonstration projects for the planning, coordination, and improvement of community services for chronically mentally ill individuals, seriously mentally disturbed children, and elderly individuals, and for the conduct of research concerning such services.

"(2) The Secretary may make a grant under paragraph (1) for not more than three consecutive one-year periods, except that the Secretary may waive the limitation of this paragraph with respect to a particular grant if the Secretary determines that extenuating circumstances exist which merit such waiver.

"(3) For purposes of paragraphs (1) and (2) there are authorized to be appropriated $20,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(g) The Secretary, acting through the Director, may make grants to States for the purpose of developing State comprehensive mental health plans referred to in section 1915(e).

Ante, p. 2356.
42 USC 290bb.

SEC. 205. (a)(1) Section 510(b)(3) is amended (1) by striking out "and" at the end of subparagraph (F), (2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", and", and (3) by adding after subparagraph (G) the following:

"(H) alcoholism and alcohol abuse among women.".

42 USC 290cc.

(2) Section 515(a) is amended by adding at the end the following: "In making grants and contracts to carry out paragraphs (4) and (5), the Director shall give special consideration to projects relating to drug abuse among women.".

42 USC 290aa-2.

(b)(1) Section 503(e) is amended (1) by striking out "and" at the end of paragraph (2), (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and (3) by adding at the end the following:

Public information.

"(4) prepare for distribution announcements for television to educate the public concerning the dangers resulting from the consumption of drugs and, to the extent feasible, use appropriate private organizations and business concerns in the preparation of such announcements.".

42 USC 290aa-1.

(2) Section 502 is amended by adding at the end the following: "(e) The Secretary shall prepare for distribution announcements for television to educate the public concerning the dangers resulting from the consumption of alcoholic beverages and, to the extent feasible, use appropriate private organizations and business concerns in the preparation of such announcements.".

42 USC 290bb-2.

SEC. 206. (a) Section 512 is redesignated as section 513 and subpart 1 of part B of title V is amended by adding after section 511 the following new section:

"ALCOHOL ABUSE AND ALCOHOLISM DEMONSTRATION PROJECTS

Grants.
42 USC 290bb-1a.

"SEC. 512. (a) The Secretary, through the Director, may make grants to public and nonprofit private entities to support projects—

"(1) for the development and demonstration of methods for—

"(A) the prevention of alcohol abuse, alcoholism, and other problems relating to the consumption of alcoholic beverages; and

98 STAT. 2362

"(B) the treatment and rehabilitation of individuals suffering from alcohol abuse, alcoholism, or other problems relating to the consumption of alcoholic beverages; and

"(2)(A) which emphasize the development and demonstration of new and improved methods of treatment, screening, early detection, referral, and diagnosis of individuals with a risk of developing alcohol abuse, alcoholism, or other problems relating to the consumption of alcoholic beverages;

"(B) which emphasize the development and demonstration of new and improved methods of dissemination of knowledge concerning projects supported under this section and methods developed or demonstrated under this section; and

"(C) which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information on the importance of early detection and prevention of alcohol abuse, alcoholism, and other problems relating to the consumption of alcoholic beverages.

"(b) A grant may be made under subsection (a) for a project which meets the requirements of subsection (a) and also deals with drug abuse.

"(c) No entity may receive grants under subsection (a) for more than three years.".

(b) Subpart 2 of part B is amended by adding after section 515 the following new section:

"DRUG ABUSE DEMONSTRATION PROJECTS

Grants.
Contracts with U.S.
42 USC 290cc-1.

"SEC. 516. (a) The Secretary, through the National Institute on Drug Abuse, may make grants to and enter into contracts with individuals and public and nonprofit private entities to support projects—

"(1) for the development and demonstration of methods for—

"(A) the prevention of drug abuse and other problems relating to drug abuse, and

"(B) the treatment and rehabilitation of individuals suffering from drug abuse and other problems relating to the misuse of drugs; and

"(2)(A) which emphasize the development and demonstration of new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of drug abuse,

"(B) which develop and evaluate new and improved techniques of prevention and treatment services for use in States and local communities, and

"(C) which emphasize the development and demonstration of new and improved methods for the dissemination of research findings and knowledge of effective strategies of early detection, prevention, and treatment of drug abuse.

"(b) A grant or contract may be made under subsection (a) for a project which meets the requirements of subsection (a) and also deals with alcohol abuse and alcoholism.

"(c) No entity may receive grants under subsection (a) for more than three years.".

42 USC 290bb. (c)(1) Section 510(a) is amended by striking out "demonstrations,".

42 USC 290cc. (2) Section 515(a) is amended by striking out "demonstrations,".

42 USC 290bb-2. SEC. 207. (a) The first sentence of section 513 (as so redesignated) is amended by striking out "and" after "1983" and inserting in lieu

98 STAT. 2363

thereof a comma and by inserting a comma before the period at the end and the following: "$52,000,000 for fiscal year 1985, and $61,000,000 for fiscal year 1986".

42 USC 290cc. (b) Section 515 is amended by striking out subsection (c) and subpart 2 of part B is amended by adding after the section added by section 206(b) of this Act the following:

"AUTHORIZATION OF APPROPRIATIONS

42 USC 290cc-2. "SEC. 517. There are authorized to carry out this subpart $68,000,000 for fiscal year 1985 and $74,000,000 for fiscal year 1986.".

Report. SEC. 208. By October 1, 1985, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report which sets forth a comprehensive national plan to combat alcohol abuse and alcoholism. The report shall include—

(1) a description of a model program for activities to be conducted by the States to combat alcohol abuse and alcoholism;

(2) an analysis of the social and economic costs of alcoholism and alcohol abuse to the Nation, including amounts expended by public agencies and private organizations—

(A) for the treatment of individuals for alcohol abuse and alcoholism, including a division of such amounts among the types of settings in which such treatment is provided;

(B) for treatment of individuals for health problems resulting from alcohol abuse and alcoholism; and

(C) to meet other costs resulting from alcohol abuse and alcoholism, such as costs resulting from lost employee productivity;

(3) an assessment of current treatment and rehabilitation needs and the current integration and financing of alcoholism treatment and rehabilitation into the Nation's health care system;

(4) an assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention;

(5) a statement of specific goals and objectives to meet the Nation's current treatment, rehabilitation, and personnel needs in the area of alcoholism and alcohol abuse and plans to meet those needs through specific modification of Federal, State, local, and private policies and regulations, including a specification of recommendations for legislation—

(A) to establish Federal programs and to provide Federal funds to encourage States to adopt and implement the model program described under paragraph (1); and

(B) to modify programs and activities conducted, and services provided, under—

(i) part B of title XIX of the Public Health Service Act;

42 USC 300x.

(ii) titles XVIII and XIX of the Social Security Act;

42 USC 1395, 1396.

(iii) chapter 89 of title 5, United States Code; and

5 USC 8901 *et seq.*

(iv) sections 1079 and 1080 of title 10, United States Code,

in order to ensure appropriate cost-effective treatment and prevention of alcohol abuse and alcoholism; and

(6) estimates of public and private resources needed to accomplish the goals and objectives referred to in paragraph (5) as well as resource savings that can be anticipated from achieving the national objectives.

98 STAT. 2364

TITLE III—OTHER AMENDMENTS

SEC. 301. (a) Section 102(28) of the Controlled Substances Act (21 U.S.C. 802) is amended by striking out "twenty-one" and inserting in lieu thereof "one hundred and eighty".

Regulations.
Report.
21 USC 802 note.

(b) The Secretary of Health and Human Services shall, within ninety days of the date of the enactment of this Act, promulgate regulations for the administration of section 102(28) of the Controlled Substances Act as amended by subsection (a) and shall include in the first report submitted under section 505(b) of the Public Health Service Act after the expiration of such ninety days the findings of the Secretary with respect to the effect of the amendment made by subsection (a).

(c) Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 (97 Stat. 181) is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

42 USC 290aa.

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

42 USC 290dd, 290dd-1.

Repeal.

(d) Title III of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1161-1165) is repealed.

SEC. 302. Section 217(a) (42 U.S.C. 218(a)) is amended by adding after the third sentence the following: "In the case of the National Advisory Council on Alcohol Abuse and Alcoholism, the Secretary shall assure that its membership is broadly representative of experts in the fields of prevention, research, and treatment of alcohol abuse, alcoholism, and rehabilitation of alcohol abusers.".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2303:

HOUSE REPORT No. 98-1123 (Comm. of Conference).
SENATE REPORT No. 98-381 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 26, considered and passed Senate.
  June 28, considered and passed House, amended.
  Oct. 4, Senate and House agreed to conference report.

98 STAT. 2409

Public Law 98-512
98th Congress

An Act

Oct. 19, 1984
[S. 2616]

To revise and extend the programs of assistance under titles X and XX of the Public Health Service Act.

Children and youth.

42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. (a) Section 2010(a) (42 U.S.C. 300z-9(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "and $30,000,000 for the fiscal year ending September 30, 1985".

(b) Section 2001(a)(5) (42 U.S.C. 300z(a)(5)) is amended to read as follows:

> "(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences including: a higher percentage of pregnancy and childbirth complications; a higher incidence of low birth weight babies; a higher infant mortality and morbidity; a greater likelihood that an adolescent marriage will end in divorce; a decreased likelihood of completing schooling; and higher risks of unemployment and welfare dependency; and therefore, education, training, and job research services are important for adolescent parents;".

(c) Section 2001(b)(3) (42 U.S.C. 300z(b)(3)) is amended by inserting "both" before "for pregnant adolescents" in the matter preceding subparagraph (A).

(d) Section 2002(a)(4)(H) (42 U.S.C. 300z-1(a)(4)(H)) is amended by striking out "and referral to such services".

(e) Section 2008(g) (42 U.S.C. 300z-7(g)) is repealed.

SEC. 3. (a) Section 1001(c) (42 U.S.C. 300(c)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "and $158,400,000 for the fiscal year ending September 30, 1985".

98 STAT. 2410

(b) Section 1003(b) (42 U.S.C. 300a-1(b)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "and $3,500,000 for the fiscal year ending September 30, 1985".

(c) Section 1005(b) (42 U.S.C. 300a-3(b)) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "and $700,000 for the fiscal year ending September 30, 1985".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2616:

HOUSE REPORT No. 98-1154 (Comm. of Conference).
SENATE REPORT No. 98-496 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    June 29, considered and passed Senate.
    Aug. 10, considered and passed House, amended.
    Oct. 9, Senate and House agreed to conference report.

Public Law 98-527
98th Congress

98 STAT. 2662

An Act

To revise and extend programs for persons with developmental disabilities.

Oct. 19, 1984
[H.R. 5603]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Developmental Disabilities Act of 1984".

Developmental Disabilities Act of 1984.
42 USC 6000 note.

SEC. 2. Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended to read as follows:

"TITLE I—PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

Developmental Disabilities Assistance and Bill of Rights Act.

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 100. This title may be cited as the 'Developmental Disabilities Assistance and Bill of Rights Act'.

42 USC 6000 note.

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds that—

42 USC 6000.

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) individuals with disabilities occurring during their developmental period are more vulnerable and less able to reach an independent level of existence than other handicapped individuals who generally have had a normal developmental period on which to draw during the rehabilitation process;

"(3) persons with developmental disabilities often require specialized lifelong services to be provided by many agencies in a coordinated manner in order to meet the persons' needs;

"(4) generic service agencies and agencies providing specialized services to disabled persons tend to overlook or exclude persons with developmental disabilities in their planning and delivery of services; and

"(5) it is in the national interest to strengthen specific programs, especially programs that reduce or eliminate the need for institutional care, to meet the needs of persons with developmental disabilities.

"(b)(1) It is the overall purpose of this title to assist States to (A) assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community, and (B) establish and operate a system which coordinates, monitors, plans, and evaluates services which ensures the protection of the legal and human rights of persons with developmental disabilities.

"(2) The specific purposes of this title are—

98 STAT. 2663

"(A) to assist in the provision of comprehensive services to persons with developmental disabilities, with priority to those persons whose needs are not otherwise met under the Rehabilitation Act of 1973 or other health, education, or welfare programs;

29 USC 701 note.

"(B) to assist States in appropriate planning activities;

"(C) to make grants to States and public and private, nonprofit agencies to establish model programs, to demonstrate innovative habilitation techniques, and to train professional and paraprofessional personnel with respect to providing services to persons with developmental disabilities;

Grants.

"(D) to make grants to university affiliated facilities to assist them in administering and operating demonstration facilities

Grants.

for the provision of services to persons with developmental disabilities and interdisciplinary training programs for personnel needed to provide specialized services for these persons; and

Grants.

"(E) to make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities.

"DEFINITIONS

42 USC 6001.

"SEC. 102. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. The term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical, transportation, and recreation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a severe, chronic disability of a person which—

"(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

"(B) is manifested before the person attains age twenty-two;

"(C) is likely to continue indefinitely;

"(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

"(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

"(8) The term 'independence' means the extent to which persons with developmental disabilities exert control and choice over their own lives.

"(9) The term 'productivity' means—

"(A) engagement in income-producing work by a person with developmental disabilities which is measured through improvements in income level, employment status, or job advancement, or

"(B) engagement by a person with developmental disabilities in work which contributes to a household or community.

"(10) The term 'integration' means—

"(A) the—

"(i) use by persons with developmental disabilities of the same community resources that are used by and available to other citizens, and

"(ii) participation by persons with developmental disabilities in the same community activities in which nonhandicapped citizens participate,

together with regular contact with nonhandicapped citizens, and

"(B) the residence by persons with developmental disabilities in homes or in home-like settings which are in proximity to community resources, together with regular contact with nonhandicapped citizens in their communities.

"(11)(A) The term 'services for persons with developmental disabilities' means—

"(i) priority services; and

"(ii) any other specialized services or special adaptations of generic services for persons with developmental disabilities, including diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the person with such disability and the family of such person, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social-developmental services, transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities. 98 STAT. 2665

"(B) The term 'service activities' includes, with respect to a priority service or a service described in subparagraph (A)(ii)—

"(i) the provision of specialized services in the area which respond to unmet needs of persons with developmental disabilities;

"(ii) model service programs in the area;

"(iii) activities to increase the capacity of agencies to provide services in the area;

"(iv) the coordination of the provision of services in the area with the provision of other services;

"(v) outreach to individuals for the provision of services in the area;

"(vi) the training of personnel, including parents of persons with developmental disabilities, professionals, and volunteers, to provide services in the area; and

"(vii) similar activities designed to expand the use and availability of services in the area.

"(C) The term 'priority services' means alternative community living arrangement services, employment related activities, child development services, and case management services.

"(D) The term 'alternative community living arrangement services' means such services as will assist persons with developmental disabilities in developing or maintaining suitable residential arrangements in the community, including in-house services (such as personal aides and attendants and other domestic assistance and supportive services), family support services, foster care services, group living services, respite care, recreation and socialization services, and staff training, placement, and maintenance services.

"(E) The term 'employment related activities' means such services as will increase the independence, productivity, or integration of a person with developmental disabilities in work settings, including such services as employment preparation and vocational training leading to supported employment, incentive programs for employers who hire persons with developmental disabilities, services to assist transition from special education to employment, and services to assist transition from sheltered work settings to supported employment settings or competitive employment.

"(F) The term 'supported employment' means paid employment which—

"(i) is for persons with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive ongoing support to perform in a work setting;

"(ii) is conducted in a variety of settings, particularly worksites in which persons without disabilities are employed; and

"(iii) is supported by any activity needed to sustain paid work by persons with disabilities, including supervision, training, and transportation.

"(G) The term 'child development services' means such services as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services, counseling and training of parents, early identification of developmental disabilities, and diagnosis and
98 STAT. 2666 evaluation of such developmental disabilities.

"(H) The term 'case management services' means such services to persons with developmental disabilities as will assist them in gaining access to needed social, medical, educational, and other services. Such term includes—

"(i) follow-along services which ensure, through a continuing relationship, lifelong if necessary, between an agency or provider and a person with a developmental disability and the person's immediate relatives or guardians, that the changing needs of the person and the family are recognized and appropriately met; and

"(ii) coordination services which provide to persons with developmental disabilities support, access to (and coordination of) other services, information on programs and services, and monitoring of the persons' progress.

"(12) The term 'satellite center' means a public or private nonprofit entity which—

"(A)(i) is affiliated with one or more university affiliated facilities;

"(ii) functions as a community or regional extension of such university affiliated facility or facilities in the delivery of services to persons with developmental disabilities, and their families, who reside in geographical areas where adequate services are not otherwise available; and

"(iii) may engage in the activities described in subparagraph (A), (B), or (C) of paragraph (13); or

"(B) is affiliated with one or more university affiliated facilities and which provides for at least—

"(i) interdisciplinary training for personnel concerned with the provision of direct or indirect services to persons with developmental disabilities; and

"(ii) dissemination of findings relating to the provision of services to persons with developmental disabilities.

"(13) The term 'university affiliated facility' means a public or nonprofit facility which is associated with, or is an integral part of, a college or university and which provides for at least the following activities:

"(A) Interdisciplinary training for personnel concerned with developmental disabilities which is conducted at the facility and through outreach activities.

"(B) Demonstration of—

"(i) exemplary services relating to persons with developmental disabilities in settings which are integrated in the community; and

"(ii) technical assistance to generic and specialized agencies to provide services to increase the independence, productivity, and integration into the community of persons with developmental disabilities, such as the development and improvement of quality assurance mechanisms.

"(C)(i) Dissemination of findings relating to the provision of services under subparagraph (B) of this paragraph, and (ii) providing researchers and government agencies sponsoring service-related research with information on the needs for further service-related research which would provide data and information that will assist in increasing the independence, productivity, and integration into the community of persons with developmental disabilities.

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"(14) The term 'Secretary' means the Secretary of Health and Human Services.

"(15) The term 'State Planning Council' means a State Planning Council established under section 124.

Post, p. 2675.

"FEDERAL SHARE

Prohibition.
42 USC 6002.
Post, p. 2670.

"SEC. 103. (a) The Federal share of all projects in a State supported by an allotment to the State under part B may not exceed 75 percent of the aggregate necessary costs of all such projects, as determined by the Secretary, except that in the case of projects located in urban or rural poverty areas, the Federal share of all such projects may not exceed 90 percent of the aggregate necessary costs of such projects, as determined by the Secretary.

Prohibition.
Post, p. 2681.

"(b) The Federal share of any project to be provided through grants under part D may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project is located in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs as so determined.

"(c) The non-Federal share of the cost of any project assisted by a grant or allotment under this title may be provided in kind.

"(d) For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of a State or by a nonprofit private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be deemed to be expenditures by such State in the case of a project under part B or by a university affiliated facility or a satellite center, as the case may be, in the case of a project assisted under part D.

"RECORDS AND AUDIT

42 USC 6003.

"SEC. 104. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"RECOVERY

42 USC 6004.

"SEC. 105. If any facility with respect to which funds have been paid under part B or D shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization which is not a public or nonprofit private entity, or

"(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

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the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment. The Secretary, in accordance with regulations prescribed by the Secretary, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

42 USC 6005.

"SEC. 106. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"REPORTS

42 USC 6006.

Post, p. 2670.

"SEC. 107. (a) By January 1 of each year, the State Planning Council of each State shall prepare and transmit to the Secretary a report concerning activities carried out during the preceding fiscal year with funds paid to the State under part B for such fiscal year. Each such report shall be in a form prescribed by the Secretary by regulation and shall contain—

"(1) a description of such activities and the accomplishments resulting from such activities;

Post, p. 2670.

"(2) a comparison of such accomplishments with the goals, objectives, and proposed activities specified by the State in the State plan submitted under section 122 for such fiscal year; and

"(3) an accounting of the manner in which funds paid to a State under part B for a fiscal year were expended.

Post, p. 2679.

"(b) By January 1 of each year, each protection and advocacy system established in a State pursuant to part C shall prepare and transmit to the Secretary a report which describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year.

"(c)(1) By April 1 of each year the Secretary shall prepare and transmit to the President, the Congress, and the National Council on the Handicapped a report which describes—

Post, pp. 2670, 2679, 2681, 2683.

"(A) the activities and accomplishments of programs supported under parts B, C, D, and E of this title; and

"(B) the progress made in States in improving the independence, productivity, and integration into the community of persons with developmental disabilities and any activities or services needed to improve such independence, productivity, and integration.

"(2) In preparing the report required by this subsection, the Secretary shall use and include information submitted to the Secretary in the reports required under subsections (a) and (b) of this section.

"RESPONSIBILITIES OF THE SECRETARY

"SEC. 108. (a) The Secretary, not later than one hundred eighty days after the date of enactment of any Act amending the provisions of this title, shall promulgate such regulations as may be required for the implementation of such amendments.

Regulations.
42 USC 6007.

"(b) Within ninety days after the date of enactment of the Developmental Disabilities Act of 1984, the Secretary of Health and Human Services and the Secretary of Education shall establish an interagency committee composed of representatives of the Administration for Developmental Disabilities of the Department of Health and Human Services, the Office of Special Education and Rehabilitative Services of the Department of Education, the Department of Labor, and such other Federal departments and agencies as the Secretary of Health and Human Services and the Secretary of Education consider appropriate. Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for persons with developmental disabilities.

Interagency committee, establishment.

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

"SEC. 109. As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973 which govern employment (1) by State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

42 USC 6008.

29 USC 701 note.

"RIGHTS OF THE DEVELOPMENTALLY DISABLED

"SEC. 110. Congress makes the following findings respecting the rights of persons with developmental disabilities:

42 USC 6009.

"(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

"(2) The treatment, services, and habilitation for a person with developmental disabilities should be designed to maximize the developmental potential of the person and should be provided in the setting that is least restrictive of the person's personal liberty.

"(3) The Federal Government and the States both have an obligation to assure that public funds are not provided to any institutional or other residential program for persons with developmental disabilities that—

"(A) does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or

"(B) does not meet the following minimum standards:

"(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.

"(ii) Provision to such persons of appropriate and sufficient medical and dental services.

"(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.

"(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such persons.

"(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.

"(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary.

"(4) All programs for persons with developmental disabilities should meet standards which are designed to assure the most favorable possible outcome for those served, and—

Housing.

"(A) in the case of residential programs serving persons in need of comprehensive health-related, habilitative, or rehabilitative services, which are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded promulgated in regulations of the Secretary on January 17, 1974 (39 Fed. Reg. pt. II), as appropriate when taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

45 CFR 234, 248-250.

Housing.

"(B) in the case of other residential programs for persons with developmental disabilities, which assure that care is appropriate to the needs of the persons being served by such programs, assure that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and assure that the facilities under such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

"(C) in the case of nonresidential programs, which assure the care provided by such programs is appropriate to the persons served by the programs.

The rights of persons with developmental disabilities described in findings made in this section are in addition to any constitutional or other rights otherwise afforded to all persons.

"PART B—FEDERAL ASSISTANCE FOR PLANNING AND SERVICE ACTIVITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"PURPOSE

42 USC 6021.

"SEC. 121. The purpose of this part is to provide payments to States to plan for, and to conduct, activities which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

"STATE PLANS

42 USC 6022.

"SEC. 122. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services for persons with developmental disabilities must meet the following requirements:

Post, p. 2675.

"(1)(A) The plan must provide for the establishment of a State Planning Council, in accordance with section 124, for the assignment to the Council of personnel in such numbers and with such qualifications as the Secretary determines to be adequate to enable the Council to carry out its duties under this title, and for the identification of the personnel so assigned.

"(B) The plan must designate the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise).

"(C) The plan must provide that each State agency designated under subparagraph (B) will keep such records and afford such access thereto as the Secretary or the State Planning Council finds necessary.

"(D) The plan must provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part.

"(2) The plan must—

"(A) set out the specific objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(B) set forth the non-Federal share that will be required in carrying out each such objective and program;

"(C) describe (and provide for the review annually and revision of the description not less often than once every three years) (i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for federally assisted State programs as the State conducts relating to education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health, and under such other plans as the Secretary may specify, and (ii) how funds allotted to the State in accordance with section 125 will be used to complement and augment rather than duplicate or replace services for persons with developmental disabilities who are eligible for Federal assistance under such other State programs;

Post, p. 2676.

"(D) for each fiscal year, assess and describe the extent and scope of the priority services being or to be provided under the plan in the fiscal year; and

"(E) establish a method for the periodic evaluation of the plan's effectiveness in meeting the objectives described in subparagraph (A).

"(3) The plan must contain or be supported by assurances satisfactory to the Secretary that—

"(A) the funds paid to the State under section 125 will be used to make a significant contribution toward strengthening services for persons with developmental disabilities through agencies in the various political subdivisions of the State;

"(B) part of such funds will be made available by the State to public or nonprofit private entities;

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"(C) not more than 25 percent of such funds will be allocated to the agency or agencies designated under section 122(b)(1)(B) for the provision of services by such agency or agencies;

"(D) such funds paid to the State under section 125 will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds; and

Post, p. 2676.

"(E) there will be reasonable State financial participation in the cost of carrying out the State plan.

"(4)(A) The plan must provide for the examination not less often than once every three years of the provision, and the need for the provision, in the State of the four priority services.

"(B) The plan must provide for the development, not later than the second year in which funds are provided under the plan after the date of the enactment of the Developmental Disabilities Act of 1984, and the timely review and revision of, a comprehensive statewide plan to plan, financially support, coordinate, and otherwise better address, on a statewide and comprehensive basis, unmet needs in the State for the provision of services for persons with developmental disabilities as follows:

"(i)(I) Except as provided in subclause (II), the plan shall provide for the provision of at least one but not more than two priority services.

"(II) In fiscal year 1987, the plan may provide for the provision of three priority services.

Post, p. 2679.

"(ii) For any fiscal year after fiscal year 1986 for which the total appropriations under section 130 are at least $50,250,000, the plan shall provide for the provision of employment related activities among the priority services to be provided under the plan.

"(iii) At the option of the State, the plan may provide for the provision of one or more additional services for persons with developmental disabilities from the services described in section 102(11)(A)(ii).

Ante, p. 2663.
Regulations.

"(C) Notwithstanding the requirements of subparagraph (B), upon the application of a State, the Secretary, pursuant to regulations which the Secretary shall prescribe, may permit the portion of the funds which must otherwise be expended under the State plan for service activities in a limited number of services to be expended for service activities in additional services if the Secretary determines that the expenditures of the State on service activities in the initially specified services has reasonably met the need for those services in the State in comparison to the extent to which the need for such additional services has been met in such State. Such additional areas shall, to the maximum extent feasible, be areas within the priority services.

"(D) The plan must be developed after consideration of the data collected by the State education agency under section 618(b)(3) of the Education of the Handicapped Act.

20 USC 1418.
Funds.

"(E)(i) The plan must provide that not less than 65 percent of the amount available to the State under section 125 will be expended for service activities in the priority services.

"(ii) The plan must provide that the remainder of the amount available to the State from allotments under section 125 (after making the expenditures required by clause (i) of this paragraph) shall be used for service activities for persons with developmental

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disabilities, and the planning, coordination, and administration of, and the advocacy for, the provision of such services.

Rural areas.
Urban areas.

"(F) The plan must provide that special financial and technical assistance shall be given to agencies or entities providing services for persons with developmental disabilities who are residents of geographical areas designated as urban or rural poverty areas.

"(5)(A)(i) The plan must provide that services furnished, and the facilities in which they are furnished, under the plan for persons with developmental disabilities will be in accordance with standards prescribed by the Secretary in regulations.

"(ii) The plan must provide satisfactory assurances that buildings used in connection with the delivery of services assisted under the plan will meet standards adopted pursuant to the Act of August 12, 1968 (known as the Architectural Barriers Act of 1968).

42 USC 4152 note.

"(B) The plan must provide that services are provided in an individualized manner consistent with the requirements of section 123 (relating to habilitation plans).

Post, p. 2674.

"(C) The plan must contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

Ante, p. 2669.
Minorities.

"(D) The plan must provide assurances that the State has undertaken affirmative steps to assure the participation in programs under this title of individuals generally representative of the population of the State, with particular attention to the participation of members of minority groups.

Report.

"(E) The plan must provide assurances that the State will provide the State Planning Council with a copy of each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State within 30 days after the completion of each such report or plan.

42 USC 1396a.

Volunteer services.
42 USC 4951 note.

"(6)(A) The plan must provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 and other appropriate voluntary organizations, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

"(B) The plan must provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions under the plan to provide alternative community living arrangement services, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

"(7) The plan also must contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the State plan approved under this section; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for the total expenditures for such purpose by all of the State agencies designated under subsection (b)(1)(B) for the administration or supervision of the administration of the State plan. Payments under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

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"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from the State sources for such year for administration of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the previous fiscal year.

"HABILITATION PLANS

42 USC 6023.

"Sec. 123. (a) The Secretary shall require as a condition to a State's receiving an allotment under this part that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under this part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan.

"(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements:

"(1) The plan shall be in writing.

"(2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established, (B) such person, and (C) where appropriate, such person's parents or guardian or other representative.

"(3) The plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such goals should include the increase or support of independence, productivity, and integration into the community for the person. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.

"(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

"(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

"(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision.

"STATE PLANNING COUNCILS

Establishment.
42 USC 6024.

"SEC. 124. (a)(1) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities. The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor of each State shall make appropriate provisions for the rotation of membership on the Council of that State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, and the State agency that administers funds provided under title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated facility or satellite center in the State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services to persons with developmental disabilities in that State.

29 USC 701 note.
20 USC 871.
42 USC 1396.
Post, p. 2679.

"(2) At least one-half of the membership of each such Council shall consist of persons who—

"(A) are persons with developmental disabilities or parents or guardians of such persons, or

"(B) are immediate relatives or guardians of persons with mentally impairing developmental disabilities,

who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity.

42 USC 1320a-5.
42 USC 1320a-3.

"(3) Of the members of the Council described in paragraph (2)—

"(A) at least one-third shall be persons with developmental disabilities, and

"(B)(i) at least one-third shall be individuals described in subparagraph (B) of paragraph (2), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.

"(b) Each State Planning Council shall—

"(1) develop jointly with the State agency or agencies designated under section 122(b)(1)(B) the State plan required by this part, including the specification of services under section 122(b)(4)(B);

Ante, p. 2670.

Ante, p. 2670.

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"(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

"(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

Reports.

"(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

"STATE ALLOTMENTS

42 USC 6025.

Post, p. 2679.

"SEC. 125. (a)(1) For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 130 among the States on the basis of—

"(A) the population,

"(B) the extent of need for services for persons with developmental disabilities, and

"(C) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 122 for the provision under such plans of services for persons with developmental disabilities.

"(2) Adjustments in the amounts of State allotments based on subparagraphs (A), (B), and (C) of paragraph (1) may be made not more often than annually. The Secretary shall notify States of any adjustment made not less than six months before the beginning of the fiscal year in which such adjustment is to take effect.

"(3)(A) Except as provided in paragraph (4), for any fiscal year the allotment under paragraph (1)—

"(i) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than $100,000, and

"(ii) to any other State may not be less than the greater of $250,000, or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending September 30, 1984.

"(B) Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to each State pursuant to subparagraph (A) in any fiscal year exceeds the total amount appropriated under section 130 for such fiscal year, the amount to be allotted to a State for such fiscal year shall be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such subparagraph as the total amount appropriated under section 130 for such fiscal year bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such subparagraph.

"(4) In any case in which amounts appropriated under section 130 for a fiscal year exceed $47,000,000, the allotment under paragraph (1) for such fiscal year—

"(A) to each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the

98 STAT. 2677 Trust Territory of the Pacific Islands may not be less than $160,000; and

"(B) to each of the several States, Puerto Rico, or the District of Columbia, may not be less than $300,000.

"(5) In determining, for purposes of paragraph (1)(B), the extent of need in any State for services for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services described, pursuant to section 122(b)(2)(C), in the State plan of the State. *Ante*, p. 2670.

"(b) Whenever the State plan approved in accordance with section 122 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of the State plan. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of the State plan will receive proportionate benefit from the combination.

"(c) Whenever the State plan approved in accordance with section 122 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

"(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as the Secretary may fix (but not earlier than thirty days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES

42 USC 6026. *Ante*, p. 2676.

"SEC. 126. From each State's allotments for a fiscal year under section 125, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or 98 STAT. 2678 overpayments under this section.

"WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION AND SERVICES

42 USC 6027.

"SEC. 127. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State Planning Council and the appropriate State agency designated pursuant to section 122(b)(1) finds that—

"(1) there is a failure to comply substantially with any of the provisions required by section 122 to be included in the State plan; or *Ante*, p. 2670.

"(2) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State Council and agency or agencies that further payments will not be made to the State under section 125 (or, in the discretion of the Secretary, that further payments will not be made to the State under section 125 for activities in which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payment to the State under section 125, or shall limit further payment under section 125 to such State to activities in which there is no such failure. *Ante*, p. 2676.

"NONDUPLICATION

"SEC. 128. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 122, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 125, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. 42 USC 6028.

"APPEALS BY STATES

"SEC. 129. If any State is dissatisfied with the Secretary's action under section 122(c) or section 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside the order of the Secretary. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of the fact and may modify the previous action of the Secretary, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action. 42 USC 6029. *Supra.*

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"AUTHORIZATION OF APPROPRIATIONS

"SEC. 130. For allotments under section 125, there are authorized to be appropriated $50,250,000 for fiscal year 1985, $53,400,000 for fiscal year 1986, and $56,500,000 for fiscal year 1987. 42 USC 6030. *Ante*, p. 2676.

"PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

"PURPOSE

"SEC. 141. It is the purpose of this part to provide for allotments to support a system in each State to protect the legal and human rights of persons with developmental disabilities in accordance with section 142. 42 USC 6041.

"SYSTEM REQUIRED

42 USC 6042. "SEC. 142. (a) In order for a State to receive an allotment under part B—

"(1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities;

"(2) such system must—

"(A) have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State and to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities;

"(B) not be administered by the State Planning Council;

"(C) be independent of any agency which provides treatment, services, or habilitation to persons with developmental disabilities; and

"(D) except as provided in subsection (b), be able to obtain access to the records of a person with developmental disabilities who resides in a facility for persons with developmental disabilities if—

"(i) a complaint has been received by the system from or on behalf of such person; and

"(ii) such person does not have a legal guardian or the State or the designee of the State is the legal guardian of such person;

"(3) the State must provide assurances to the Secretary that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds;

Report. "(4) the State must provide assurances to the Secretary that such system will be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in the State within 30 days after the completion of each such report or plan; and 42 USC 1396a.

93 STAT. 2680

"(5) the State must provide assurances satisfactory to the Secretary that the agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless notice has been given of the intention to make such redesignation to persons with developmental disabilities or their representatives.

"(b) Prior to October 1, 1986, the provisions of paragraph (2)(D) of subsection (a) shall not apply to any State in which the laws of the State prohibit the system required under such subsection from obtaining access to the records of a person with developmental disabilities under the conditions described in such paragraph.

"(c)(1) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the amounts appropriated under section 143. Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under the first sentence of subsection (a)(1) and subsection (d) of section 125, except that in any case in which— *Infra.* *Ante*, p. 2676.

"(A) the total amount appropriated under section 143 for a fiscal year is at least $11,000,000—

"(i) the allotment of each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for such fiscal year shall not be less than $80,000; and

"(ii) the allotment to each of the several States, Puerto Rico, and the District of Columbia for such fiscal year shall not be less than $150,000; or

"(B) the total amount appropriated under section 143 for a fiscal year is less than $11,000,000, the allotment to each State (other than Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) shall not be less than $50,000.

"(2) A State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under subsection (a). Prohibition.

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts of the allotments to be made in accordance with such paragraph for any fiscal year exceeds the total of the amounts appropriated for such allotments under section 143, the amount of a State's allotment for such fiscal year shall bear the same ratio to the amount otherwise determined under such paragraph as the total of the amounts appropriated for that year under section 143 bears to the aggregate amount required to make an allotment to each of the States in accordance with paragraph (1).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 143. For allotments under section 142, there are authorized to be appropriated $13,750,000 for fiscal year 1985, $14,600,000 for fiscal year 1986, and $15,500,000 for fiscal year 1987. The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this section. 42 USC 6043. *Ante*, p. 2679.

98 STAT. 2681

"PART D—UNIVERSITY AFFILIATED FACILITIES

"PURPOSE

"SEC. 151. The purpose of this part is to provide for grants to university affiliated facilities to assist in the provision of interdisciplinary training, the conduct of service demonstration programs, and the dissemination of information which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities. Grants. 42 USC 6061.

"GRANT AUTHORITY

"SEC. 152. (a) From appropriations under section 154, the Secretary shall make grants to university affiliated facilities to assist in the administration and operation of the activities described in section 102(13). 42 USC 6062. *Post*, p. 2683. *Ante*, p. 2663.

"(b) The Secretary may make one or more grants to a university affiliated facility receiving a grant under subsection (a) to support one or more of the following activities:

"(1) Conducting—

"(A) a study of the feasibility of establishing a university affiliated facility or a satellite center in an area not served by a university affiliated facility, including an assessment of the needs of the area for such a facility or center; or

"(B) a study of the ways in which such university affiliated facility, singly or jointly with other university affiliated facilities which have received a grant under subsection (a), can assist in establishing one or more satellite centers which would be located in areas not served by a university affiliated facility.

A study under subparagraph (A) or subparagraph (B) shall be carried out in consultation with the State Planning Council for the State in which the university affiliated facility conducting the study is located and the State Planning Council for the State in which the university affiliated facility or satellite center would be established.

"(2) Provision of service-related training to parents of persons with developmental disabilities, professionals, volunteers, or other personnel to enable such parents, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities.

Research and development.

"(3) Conducting an applied research program designed to produce more efficient and effective methods (A) for the delivery of services to persons with developmental disabilities, and (B) for the training of professionals, paraprofessionals, and parents who provide these services.

Prohibition.

The amount of a grant under paragraph (1) may not exceed $25,000.

"(c) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. A satellite center which receives a grant under this section may engage in the activities described in subparagraph (A), (B), or (C) of section 102(13).

Prohibition.

98 STAT. 2682

Ante, p. 2670.

"(d)(1) The Secretary may not make a grant under subsection (c) for the fiscal year ending on September 30, 1985, to a satellite center which has not received a grant under such subsection or section 121(c) (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) of this section has established the feasibility of establishing or operating such center, except that such study shall not be required to contain an assessment of the need for such center in the area in which such center will be located; or

"(B) a study assisted under section 121(b)(1) (as in effect prior to October 1, 1984) has established the feasibility of establishing or operating such center.

Prohibition.

"(2) The Secretary may not make a grant under subsection (a) or subsection (c) for a fiscal year beginning after September 30, 1985, to a university affiliated facility or a satellite center which has not received a grant under this section or section 121 (as such section was in effect prior to October 1, 1984) unless—

"(A) a study assisted under subsection (b)(1)(A) has been conducted with respect to such facility or center by a university affiliated facility; and

"(B) such study has established the feasibility of establishing or operating such facility or center.

"APPLICATIONS

42 USC 6063.

"Sec. 153. (a) Not later than six months after the date of the enactment of the Developmental Disabilities Act of 1984, the Secretary shall establish by regulation standards for university affiliated facilities. Such standards shall reflect the special needs of persons with developmental disabilities who are of various ages, and shall include performance standards relating to each of the activities described in section 102(13).

Ante, p. 2663.

Ante, p. 2681.

"(b) No grants may be made under section 152 unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that—

"(1) the making of the grant will (A) not result in any decrease in the use of State, local, and other non-Federal funds for services for persons with developmental disabilities and for training of persons to provide such services, which funds would (except for such grant) be made available to the applicant, and (B) be used to supplement and, to the extent practicable, increase the level of such funds;

"(2)(A) the applicant's facility is in full compliance with the standards established under subsection (a), or

"(B)(i) the applicant is making substantial progress toward bringing the facility into compliance with such standards, and (ii) the facility will, not later than three years after the date of approval of the initial application or the date standards are promulgated under subsection (a), whichever is later, fully comply with such standards; and

Human rights.

"(3) the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this part will be protected consistent with section 110 (relating to rights of the developmentally disabled).

98 STAT. 2683

"(c) The Secretary shall establish such a process for the review of applications for grants under section 152 as will ensure, to the maximum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's facility reviews the application.

Ante, p. 2681.

"(d)(1) If the total amount appropriated under section 154 for a fiscal year is at least $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $175,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

Infra.

"(2) If the total amount appropriated under section 154 is less than $8,500,000, the amount of any grant under section 152(a) to a university affiliated facility shall not be less than $150,000 for such fiscal year and the amount of any grant under section 152(c) to a satellite center shall not be less than $75,000 for such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 154. For the purpose of making grants under section 152, there are authorized to be appropriated $9,000,000 for fiscal year 1985, $9,600,000 for fiscal year 1986, and $10,100,000 for fiscal year 1987.

42 USC 6064.

"PART E—SPECIAL PROJECT GRANTS

"PURPOSE

"SEC. 161. The purpose of this part is to provide for grants for demonstration projects to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

42 USC 6081.

"GRANT AUTHORITY

"SEC. 162. (a) The Secretary may make grants to public or nonprofit private entities for—

42 USC 6082.

"(1) demonstration projects—

"(A) which are conducted in more than one State,

"(B) which involve the participation of two or more Federal departments or agencies, or

"(C) which are otherwise of national significance,

and which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including Native Americans, Native Hawaiians, and other underserved groups); and

"(2) technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving protection and advocacy services relating to the State protection and advocacy system described in section 142.

Ante, p. 2679.

Projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (1) may be included as projects for which grants are authorized under such paragraph.

Prohibition.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary.

98 STAT. 2684

Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless each State in which the applicant's project will be conducted has a State plan approved under section 122, and unless the application provides assurances that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under projects assisted under this part will be protected consistent with section 110 (relating to the rights of the developmentally disabled). The Secretary shall provide to the State Planning Council for each State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments on the application.

Human rights.

Ante, p. 2670.

Ante, p. 2669.

"(c) Payments under grants under subsection (a) may be made in advance or by way of reimbursement and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) shall be determined by the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 6083.

"SEC. 163. To carry out this part, there are authorized to be appropriated $2,700,000 for fiscal year 1985, $2,800,000 for fiscal year 1986, and $3,100,000 for fiscal year 1987.".

STUDY ON INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Report.

SEC. 3. (a) Within six months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report containing—

(1) recommendations for improving services for mentally retarded persons and persons with developmental disabilities provided under an approved State plan under title XIX of the Social Security Act so that the manner in which such services are provided will increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities;

42 USC 1396.

(2) recommendations for services provided for mentally retarded persons and persons with developmental disabilities under waivers granted under section 1915(c) of the Social Security Act so that the manner in which such services are provided can be improved to increase the independence, productivity, and integration into the community of mentally retarded persons and persons with developmental disabilities; and

42 USC 1396n.

(3) comments by each of the officials specified in clauses (2) through (4) of subsection (b) on the recommendations included in the report pursuant to paragraph (1), including comments concerning the effect of such recommendations, if implemented, on programs carried out by such officials.

(b) The Secretary, in preparing the report required by subsection (a), shall consult with—

(1) the Administrator of the Health Care Financing Administration of the Department of Health and Human Services (or the designee of the Administrator);

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(2) the Commissioner of the Administration for Developmental Disabilities of the Department of Health and Human Services (or the designee of the Commissioner);

(3) the Chairman of the National Council on the Handicapped (or the designee of the Chairman); and

(4) the Assistant Secretary of Education for Special Education and Rehabilitative Services (or the designee of the Assistant Secretary).

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 5603:

HOUSE REPORTS: No. 98-826 (Comm. on Energy and Commerce) and No. 98-1074 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 11, considered and passed House.
June 28, considered and passed Senate, amended.
Oct. 3, House agreed to conference report.
Oct. 4, Senate agreed to conference report.

Public Law 98-551
98th Congress

98 STAT. 2815

An Act

To revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

Oct. 30, 1984
[S. 771]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Promotion and Disease Prevention Amendments of 1984".

Health Promotion and Disease Prevention Amendments of 1984.
42 USC 201 note.
Education.

SEC. 2. (a)(1) Section 1701(a) of the Public Health Service Act (42 U.S.C. 300u(a)) is amended—

(A) by striking out "and" after the semicolon in paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and";

(C) by inserting after paragraph (9) the following new paragraph:

"(10) establish in the Office of the Assistant Secretary for Health an Office of Disease Prevention and Health Promotion, which shall—

Office of Disease Prevention and Health Promotion, establishment.

"(A) coordinate all activities within the Department which relate to disease prevention, health promotion, preventive health services, and health information and education with respect to the appropriate use of health care;

"(B) coordinate such activities with similar activities in the private sector;

"(C) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters; and

"(D) support projects, conduct research, and disseminate information relating to preventive medicine, health promotion, and physical fitness and sports medicine.";

(D) by striking out "and with health planning and resource development activities undertaken under titles XV and XVI" in the last sentence; and

42 USC 300k-1, 300q.

(E) by adding at the end thereof the following: "The Secretary shall appoint a Director for the Office of Disease Prevention and Health Promotion established pursuant to paragraph (10) of this subsection. The Secretary shall administer this title in cooperation with health care providers, educators, voluntary organizations, businesses, and State and local health agencies in order to encourage the dissemination of health information and health promotion activities.".

98 STAT. 2816

(2) Section 1701(b) of such Act is amended to read as follows:

"(b) To carry out this title, there are authorized to be appropriated $9,000,000 for the fiscal year ending September 30, 1985, $9,500,000 for the fiscal year ending September 30, 1986, and $10,000,000 for the fiscal year ending September 30, 1987.".

(b) Paragraph (6) of section 1704 of such Act (42 U.S.C. 300u-3(6)) is repealed.

(c) Sections 1706, 1707, 1708, 1709, and 1710 of such Act (42 U.S.C. 300u-5, 300u-6, 300u-7, 300u-8, and 300u-9) are repealed.

(d) Title XVII of such Act is amended by adding at the end thereof the following new sections:

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

42 USC 300u-5.
Grants.

"SEC. 1706. (a) The Secretary shall make grants or enter into contracts with academic health centers for the establishment, maintenance, and operation of centers for research and demonstration with respect to health promotion and disease prevention. Centers established, maintained, or operated under this section shall undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors, and shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center established, maintained, or operated under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary faculty with expertise in public health and which has working relationships with relevant groups in such fields as medicine, psychology, nursing, social work, education and business;

"(B) graduate training programs relevant to disease prevention;

"(C) a core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration;

"(D) a demonstrated curriculum in disease prevention;

"(E) a capability for residency training in public health or preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe;

"(2) conduct—

"(A) health promotion and disease prevention research, including retrospective studies and longitudinal prospective studies in population groups and communities;

"(B) demonstration projects for the delivery of services relating to health promotion and disease prevention to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

Study.

"(C) evaluation studies on the efficacy of demonstration projects conducted under subparagraph (B) of this paragraph.

Study.

The design of any evaluation study conducted under subparagraph (C) shall be established prior to the commencement of the demonstration project under subparagraph (B) for which the evaluation will be conducted.

98 STAT. 2817

Contracts with U.S.

"(c)(1) During fiscal year 1985, the Secretary shall make grants or enter into contracts for the establishment of three centers under this section. During fiscal year 1986, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the maintenance and operation of the three centers established under this section in fiscal year 1985. During fiscal year 1987, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the operation and maintenance of the eight centers established under this section in fiscal years 1985 and 1986.

Contracts with U.S.

"(2)(A) In making grants and entering into contracts under this section, the Secretary shall provide for an equitable geographical distribution of centers established, maintained, and operated under this section and for the distribution of such centers among areas containing a wide range of population groups which exhibit incidences of diseases which are most amenable to preventive intervention.

Contracts with U.S.

"(B) The Secretary, through the Director of the Centers for Disease Control and in consultation with the Director of the National Institutes of Health, shall establish procedures for the appropriate peer review of applications for grants and contracts under this section by peer review groups composed principally of non-Federal experts.

"(d) For purposes of this section, the term 'academic health center' means a school of medicine, a school of osteopathy, or a school of public health, as such terms are defined in section 701(4).

Appropriation authorization.

"(e) To carry out this section, there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, and $13,000,000 for the fiscal year ending September 30, 1987.".

SEC. 3. Subsection (a) of section 338G of the Public Health Service Act (42 U.S.C. 254r(a)) is amended by inserting "clinical psychologists," after "pharmacists,".

SEC. 4. (a) Section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(2)) is amended by striking out "which occurs so infrequently in the United States that" and inserting in lieu thereof "which (A) affects less than 200,000 persons in the United States, or (B) affects more than 200,000 in the United States and for which".

(b) Section 5(b)(2) of the Orphan Drug Act (21 U.S.C. 360ee(b)(2)) is amended by striking out "which occurs so infrequently in the United States that" and inserting in lieu thereof "which (A) affects less than 200,000 persons in the United States, or (B) affects more than 200,000 in the United States and for which".

SEC. 5. (a) Section 305 of the Public Health Service Act (42 U.S.C. 242c) is amended—

(1) by striking out "National Center for Health Services Research" and inserting in lieu thereof "National Center for Health Services Research and Health Care Technology Assessment";

(2) in subsection (b), by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by adding after paragraph (4) the following:

"(5) the safety, efficacy, effectiveness, cost effectiveness, economic, and social impacts of health care technologies."; and

98 STAT. 2818

(3) by redesignating subsection (e) as subsection (i) and by adding after subsection (d) the following:

Science and technology.

"(e)(1) The Center shall advise the Secretary respecting health care technology issues and make recommendations with respect to whether specific health care technologies should be reimbursable under federally financed health programs.

"(2) In making recommendations respecting health care technologies, the Center shall consider the safety, efficacy, and effectiveness, and, as appropriate, the cost-effectiveness and appropriate uses of the technology.

"(3) In carrying out its responsibilities under this section respecting health care technologies, the Center shall cooperate and consult with the National Institutes of Health, the Food and Drug Administration, and any other interested Federal departments or agencies.

Grants.
Contracts with U.S.
Science and technology.

"(f)(1) The Secretary, acting through the Center, shall undertake and support (by grant or contract) research regarding technology diffusion, methods to assess health care technology, and specific health care technologies.

"(2) Any grant or contract under paragraph (1), the direct cost of which will exceed $50,000, may be made or entered into only after consultation with the National Advisory Council on Health Care Technology Assessment.

National Advisory Council on Health Care Technology Assessment, establishment.

"(g)(1) There is established the National Advisory Council on Health Care Technology Assessment (hereinafter in this section referred to as the 'Council'). The Council shall advise the Secretary and the Director of the Center with respect to the performance of the health care technology assessment functions prescribed by this section. The Council shall assist the Director in developing criteria and methods to be used by the Center in making health care technology coverage recommendations.

"(2) The Council shall consist of—

"(A) the Director of the National Institutes of Health, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, the head of the Centers for Disease Control, the head of the Health Care Financing Administration, and such other Federal officials as the Secretary may specify, who shall be ex officio members, and

"(B) twelve voting members appointed by the Secretary.

"(3) The Secretary shall make appointments to the Council as follows:

"(A) The Secretary shall appoint six members of the Council from individuals who are distinguished in the fields of medicine, engineering, and science (including social science) and shall appoint four members from individuals who are distinguished in the fields of law, ethics, economics, and management. Of the members appointed under this subparagraph—

"(i) at least two shall be physicians,

"(ii) two shall be selected from individuals who represent business entities engaged in development or production of medical technology,

"(iii) one shall be selected from individuals who represent hospital administrators, and

"(iv) one shall be selected from individuals who represent health insurance companies or self-insured employers.

"(B) The Secretary shall appoint two members from members of the general public who represent the interest of consumers of health care.

"(4)(A) Each appointed member of the Council shall be appointed for a term of three years, except that—

"(i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(ii) of the members first appointed after the date of the enactment of this subsection, four shall be appointed for a term of three years, four shall be appointed for a term of two years, and four shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may be appointed for additional terms and may serve after the expiration of their terms until their successors have taken office.

"(B) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332 note.

"(5) The Council shall annually elect one of its appointed members to serve as Chairman until the next election.

"(6) The Council shall meet at the call of the Chairman, but not less often than three times a year.

"(7) The Director of the Center shall (A) designate a member of the staff of the Center to act as Executive Secretary of the Council, and (B) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

Contracts with U.S.
Grants.
97 Stat. 176.

"(h) In each fiscal year, seven and one-half percent of the amount made available under section 2113 for such fiscal year for evaluations shall be made available to the Assistant Secretary for Health to conduct or support (by both grants and contracts) through the Center, evaluations of health services and health care technology which evaluations are not being conducted or supported under this section or section 304.".

(b) Subsection (i) of such section (as so redesignated) is amended by striking out "subsections (b), (c), and (d) of".

(c)(1) Section 304 of such Act (42 U.S.C. 242b) is amended by striking out "National Center for Health Services Research" each place it occurs and inserting in lieu thereof "National Center for Health Services Research and Health Care Technology Assessment".

(2) Such section is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting in lieu thereof "and the National Center for Health Statistics".

(3) Such section is amended by striking out ", the National Center for Health Statistics, or the National Center for Health Care Technology" and inserting in lieu thereof "or the National Center for Health Statistics".

98 STAT. 2820

(4) The heading for such section is amended by striking out "and Health Care Technology" and inserting in lieu thereof ", and Health Care Technology Assessment".

42 USC 242c.

SEC. 6. Section 305(c) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" before "The"; and

(3) by adding at the end thereof the following new paragraph:

"(2) In carrying out this section, the Secretary shall assist State and local health agencies through a user liaison program and a technical assistance program.".

SEC. 7. (a)(1) The first sentence of paragraph (1) of section 308(i) of such Act (42 U.S.C. 242m(i)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$20,500,000 for the fiscal year ending September 30, 1985, $22,750,000 for the fiscal year ending September 30, 1986, and $24,750,000 for the fiscal year ending September 30, 1987".

(2) The second sentence of such paragraph is amended (A) by inserting after "Research" the following: "and Health Care Technology Assessment", and (B) by striking out "and at least 5 per centum of such amount or $1,000,000, whichever is less, shall be available only for dissemination activities directly undertaken through such Center" and inserting in lieu thereof "and at least 10 per centum of such amount or $1,500,000, whichever is less, shall be available only for the user liaison program and the technical assistance program referred to in section 305(c)(2) and for dissemination activities directly undertaken through such Center".

(3) Such paragraph is amended by adding after the second sentence the following: "For health care technology assessment activi-

ties undertaken under subsections (b)(5), (e), (f), and (g) of section 305 the Secretary shall obligate from funds appropriated under this paragraph not less than $3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, and $4,000,000 for the fiscal year ending September 30, 1987. For grants under section 309 the Secretary shall obligate from funds appropriated under this paragraph not less than $500,000 for the fiscal year ending September 30, 1985, $750,000 for the fiscal year ending September 30, 1986, and $750,000 for the fiscal year ending September 30, 1987.".

(4) The last sentence of such paragraph is amended by striking out "for each" through "1984," and inserting in lieu thereof "for any fiscal year".

(b) Paragraph (2) of such section is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$47,000,000 for the fiscal year ending September 30, 1985, $49,000,000 for the fiscal year ending September 30, 1986, and $52,000,000 for the fiscal year ending September 30, 1987".

SEC. 8. Section 309 of the Public Health Service Act (42 U.S.C. 242n) is amended to read as follows:

"COUNCIL ON HEALTH CARE TECHNOLOGY

Grants.

"SEC. 309. (a)(1) In accordance with this section, the Secretary shall make grants for the planning, development, establishment, and operation of a Council on Health Care Technology. The Council shall comply with the provisions of this section.

98 STAT. 2821

"(2)(A) The Secretary shall make an initial grant under paragraph (1) to the National Academy of Sciences for the planning, development, and establishment of the Council with the membership prescribed by subsection (d)(1). The amount of such grant may not exceed $500,000 and may be made for not more than two-thirds of the cost of the planning, development, and establishment of the Council.

"(B) The Secretary may not make a grant for the operation of the Council unless the application submitted to the Secretary for the grant contains written assurances from the applicant that the applicant will expend from non-Federal sources for the operation of the Council an amount equal to at least twice the amount of the grant applied for.

"(b) The purposes of the Council shall include—

"(1) promoting the development and application of appropriate health care technology assessments; and

"(2) the review of existing health care technologies in order to identify obsolete or inappropriately used health care technologies.

Science and technology.

"(c)(1) The Council shall—

"(A) serve as a clearinghouse for information on health care technologies and health care technology assessment;

"(B) collect and analyze data concerning specific health care technologies;

"(C) identify needs in the assessment of specific health care technologies and research on assessment methodologies;

"(D) develop and evaluate criteria and methodologies for health care technology assessment;

"(E) promote education, training, and technical assistance in the use of health care technology assessment methodologies and results; and

"(F) stimulate, coordinate, and commission assessments of health care technologies.

"(2) No funds from any grant made by the Secretary under this section for the planning, development, and establishment of the Council may be used to conduct any assessment of a health care technology.

"(d)(1) For purposes of a grant for the planning, development, and establishment of the Council, the Council shall be composed of:

"(A) At least ten members appointed by the National Academy of Sciences from individuals who have education, training, experience, or expertise relating to the quality and cost-effectiveness of health care technologies and who are representatives of organizations of health professionals, hospitals, and other health care providers, health care insurers, employers, consumers, and manufacturers of products for health care.

"(B) Three members appointed by the Secretary of Health and Human Services.

"(C) The Director of the Office of Technology Assessment, who shall be an ex officio member.

"(2) Any vacancy in the Council shall not affect its power and, for purposes of a grant for the planning, development, and establishment of the Council, shall be filled in the manner prescribed by paragraph (1).

"(f) The President of the National Academy of Science shall designate one of the members appointed to the initial Council under subsection (d)(1)(A) as Chairman of the Council for a one-year term. 98 STAT. 2822
Thereafter, the members of the Council shall elect one of its members as Chairman for such terms as may be determined by the Council.

Report.

"(g) The recipient of a grant under subsection (a) shall submit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the Council's activities.

"(h) No grant may be made under this section unless an application is submitted to the Secretary in such form and containing such information as the Secretary shall prescribe.".

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 771:

SENATE REPORT No. 98-158 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Sept. 21, considered and passed Senate.
Vol. 130 (1984): Oct. 9, considered and passed House, amended.
Oct. 11, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 44 (1984):
Oct. 30, Presidential statement.

Public Law 98-555
98th Congress
98 STAT. 2854

An Act

To revise and extend programs for the provision of health services and preventive health services, and for other purposes.

Oct. 30, 1984
[S. 2301]

Preventive Health Amendments of 1984.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Preventive Health Amendments of 1984".

42 USC 201 note.

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. (a) Section 317(j)(1) (42 U.S.C. 247b(j)(1)) is amended—

(1) by striking out "immunize children against immunizable diseases" and inserting in lieu thereof "immunize individuals against vaccine-preventable diseases", and

(2) by striking out "and" after "1983," and by inserting before the period a comma and the following: "$52,000,000 for the fiscal year ending September 30, 1985, $59,000,000 for the fiscal year ending September 30, 1986, and $65,000,000 for the fiscal year ending September 30, 1987".

(b) Section 317(j)(2) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1985, $9,000,000 for the fiscal year ending September 30, 1986, and $10,000,000 for the fiscal year ending September 30, 1987".

SEC. 3. (a) The first sentence of section 318(d)(1) (42 U.S.C. 247c(d)(1)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$57,000,000 for the fiscal year ending September 30, 1985, $62,500,000 for the fiscal year ending September 30, 1986, and $68,000,000 for the fiscal year ending September 30, 1987".

(b)(1) Subsection (a) of section 318 is amended by striking out "research" and all that follows in such section and inserting in lieu thereof the following: "research in, and training and public health programs for, the prevention and control of sexually transmitted diseases.".

(2) Subsection (b) of section 318 is amended to read as follows:

Grants.

"(b) The Secretary may make grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) research into the prevention and control of sexually transmitted diseases;

"(2) demonstration projects for the prevention and control of sexually transmitted diseases;

"(3) public information and education programs for the prevention and control of such diseases, and

"(4) education, training, and clinical skills improvement activities in the prevention and control of such diseases for health professionals (including allied health personnel).".

98 STAT. 2855

42 USC 247c.

(3) Subsection (c) of section 318 is amended by inserting "and" at the end of paragraph (3), by striking out paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(4) The second sentence of section 318(d)(1) is amended by striking out "5 per centum" and inserting in lieu thereof "10 per centum".

(5)(A) Section 318 is amended by redesignating subsections (d) through (f) as subsections (e) through (g) and by adding after subsection (c) the following new subsection:

Grants.
Acquired immune deficiency syndrome.

"(d) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to public and nonprofit private entities for information and education programs on, and for the diagnosis, prevention, and control of, acquired immune deficiency syndrome. The authority to make grants under this section for acquired immune deficiency syndrome is not the exclusive authority to make grants under this Act for acquired immune deficiency syndrome.".

(B) Subsection (e)(1) of section 318 (as so redesignated) is amended—

(i) by striking out "(b) and (c)" in the first sentence and inserting in lieu thereof "(b), (c), and (d)",

(ii) by striking out "(b) or (c)" in the second sentence and inserting in lieu thereof "(b), (c), or (d)", and

(iii) by adding at the end the following: "If the appropriations under the first sentence for fiscal year 1985 exceed $50,000,000, one-half of the amount in excess of $50,000,000 shall be made available for grants under subsection (d); if the appropriations under the first sentence for fiscal year 1986 exceed $52,500,000, one-half of the amount in excess of $52,500,000 shall be made available for such grants; and if the appropriations under the first sentence for fiscal year 1987 exceed $55,000,000, one-half of the amount in excess of $55,000,000 shall be made available for such grants.".

(6)(A) Section 318 is amended by striking out "venereal disease" each place it occurs and inserting in lieu thereof "sexually transmitted diseases".

(B) The heading for such section 318 is amended by striking out "VENEREAL DISEASE" and inserting in lieu thereof "SEXUALLY TRANSMITTED DISEASES AND ACQUIRED IMMUNE DEFICIENCY SYNDROME".

(C) Section 318 is amended by striking out the subsection (g) which was in effect on the day before the date of enactment of this Act.

SEC. 4. (a) Section 1901(a) (42 U.S.C. 300w(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$98,500,000 for the fiscal year ending September 30, 1985, $98,500,000 for the fiscal year ending September 30, 1986, and $98,500,000 for the fiscal year ending September 30, 1987".

(b) Section 1901(b) is amended by striking out "$3,000,000" and inserting in lieu thereof "$3,500,000".

SEC. 5. (a) Section 1905(c) (42 U.S.C. 300w-4) is amended by striking out paragraphs (2) and (4) and redesignating paragraphs (3) and (5) through (8) as paragraphs (2) through (6), respectively.

(b) Section 1906(a)(1)(B) (42 U.S.C. 300w-5) is amended by striking out "activities of the State under this part" and inserting in lieu thereof "preventive health and preventive health services programs in the State assisted by funds from allotments under this part, including a summary of the services which were provided, the providers of such services, and the individuals who received such services".

98 STAT. 2856

(c) Section 1906 is amended by adding at the end the following:

42 USC 300w-5. Public information.

"(d) The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part to enable States to share uniform data and information with respect to the provision of such services.".

(d) Subsection (e) of section 1905 is repealed.

42 USC 300w-4.

SEC. 6. (a) Section 339(a)(5) (42 U.S.C. 255(a)(5)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "September 30, 1985, September 30, 1986, and September 30, 1987".

(b) Section 339(b)(5) is amended by striking out "and" after "1983," and by inserting before the period a comma and "September 30, 1985, September 30, 1986, and September 30, 1987".

SEC. 7. Part A of title XIX is amended by inserting after section 1909 (42 U.S.C. 300w-8) the following new section:

"EMERGENCY MEDICAL SERVICES FOR CHILDREN

Grants. 42 USC 300w-9.

"SEC. 1910. (a) For activities in addition to the activities which may be carried out by States under section 1904(a)(1)(F), the Secretary may make grants to not more than four States in any fiscal year to support a program of demonstration projects in such States for the expansion and improvement of emergency medical services for children who need treatment for trauma or critical care. Any grant made under this subsection shall be for a one-year period.

"(b) The Secretary may renew a grant made under subsection (a) for one additional one-year period only if the Secretary determines that renewal of such grant will provide significant benefits through the collection, analysis, and dissemination of information or data which will be useful to other States.

Appropriation authorization.

"(c) To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1985 and for each of the two succeeding fiscal years.".

SEC. 8. Part A of title XIX (as amended by section 7 of this Act) is amended by adding at the end the following new section:

98 STAT. 2857

"STATE PLANNING GRANTS

42 USC 300w-10.

"SEC. 1910A. (a) The Secretary may make grants to assist States to—

"(1) develop long range plans to achieve the goals, objectives, and priorities established by the Secretary pursuant to title XVII;

"(2) identify particular needs within States for services and activities that may be conducted with payments made under allotments under section 1902; and

"(3) determine the progress of States in achieving the goals, objectives, and priorities described in paragraph (1) and, to the extent feasible, use scientifically valid measures to make such determinations.

Appropriation authorization.

"(b) To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1985 and for each of the two succeeding fiscal years.".

SEC. 9. Section 1001 (42 U.S.C. 300) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.".

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2301 (H.R. 5538):

HOUSE REPORT No. 98-1063 accompanying H.R. 5538 (Comm. on Energy and Commerce).
SENATE REPORT No. 98-393 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Sept. 28, considered and passed Senate.
  Oct. 1, H.R. 5538 considered and passed House; S. 2301, amended, passed in lieu.
  Oct. 9, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

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98 STAT. 2878

Public Law 98-558
98th Congress

An Act

Oct. 30, 1984
[S. 2565]

To extend programs under the Head Start Act, and for other purposes.

Human Services Reauthorization Act.
42 USC 9801 note.
Children and youth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Reauthorization Act".

TITLE I—HEAD START

TECHNICAL AMENDMENT

42 USC 9832.

SEC. 101. Section 637(2) of the Head Start Act is amended by inserting "the Commonwealth of" before "the Northern Mariana Islands".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 639 of the Head Start Act is amended to read as follows: 42 USC 9834.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,093,030,000 for fiscal year 1985, and $1,221,000,000 for fiscal year 1986.".

RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

SEC. 103. (a) Section 640(a)(2)(C) of the Head Start Act is amended by inserting before the semicolon the following: "as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than the amount expended for training and technical assistance activities under this clause for fiscal year 1982". 42 USC 9835.

(b) Section 640(a)(2) of the Head Start Act is amended by adding at the end thereof the following new flush sentences: "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984. No funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.".

DESIGNATION OF HEAD START AGENCIES

SEC. 104. (a) Section 641(a) of the Head Start Act is amended by inserting after "agency" the second time it appears ", within a community,". 42 USC 9836.

(b) Section 641(c) of the Head Start Act is amended—

(1) by striking out ", except that" in the matter preceding clause (1) and inserting in lieu thereof "unless";

(2) by striking out "shall, before giving such priority, determine" in clause (1) and inserting in lieu thereof "makes a finding";

(3) by striking out "meets" in clause (1) and inserting in lieu thereof "fails to meet"; and

(4) by inserting "except that" before "if" in clause (2).

(c) Section 641 of the Head Start Act is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections: 42 USC 9836.

"(d) If there is no Head Start agency as described in subsection (c)(2), and no existing Head Start program serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in such community. Any such designation shall be governed by the program and fiscal requirements, criteria, and standards applicable on September 1, 1983, to then existing Head Start agencies.

"(e) The provisions of subsections (c) and (d) shall be applied by the Secretary in the distribution of any additional appropriations made available under this subchapter during any fiscal year as well as to initial designations of Head Start agencies.".

PARTICIPATION IN HEAD START PROGRAMS

SEC. 105. (a) Section 645(a) of the Head Start Act is amended by adding at the end thereof the following: "During the period beginning on the date of the enactment of the Human Services Reauthorization Act and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after such 42 USC 9840.

date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.".

(b) Section 645 of the Head Start Act is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide more than one year of Head Start services to children from age 3 to the age of compulsory school attendance in the State in which the Head Start program is located.".

TECHNICAL ASSISTANCE AND TRAINING

42 USC 9843. SEC. 106. Section 648 of the Head Start Act is amended—

(1) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by inserting before the period at the end thereof a comma and the following: "including a centralized child development training and national assessment program which may be administered at the State or local level leading to recognized credentials for such personnel, and resource access projects for personnel of handicapped children".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

42 USC 9844. SEC. 107. Section 649 of the Head Start Act is amended by adding at the end thereof the following new subsection:

"(c) No funds appropriated under this subchapter may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this title.".

EVALUATION

SEC. 108. The second sentence of section 651(b) of the Head Start Act is amended to read as follows: "Any revisions in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.". 42 USC 9846.

STATE GRANTS FOR DEPENDENT CARE PLANNING AND DEVELOPMENT

SEC. 109. Chapter 8 of title VI of the Omnibus Budget Reconciliation Act of 1981, relating to community services programs, is amended by inserting at the end thereof the following new subchapter:

"Subchapter D—Grants to States for Planning and Development of Dependent Care Programs and for Other Purposes

"AUTHORIZATION OF APPROPRIATIONS

42 USC 9871. "SEC. 670A. For the purpose of allotments to States to carry out the activities described in section 670D, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1985 and 1986.

"ALLOTMENTS

42 USC 9872. "SEC. 670B. (a) From the amounts appropriated under section 670A for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such section for such fiscal year as the population of the State bears to the population of all States, except that no State may receive less than $50,000 in each fiscal year.

"(b) For the purpose of the exception contained in subsection (a), the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 670C. The Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 670B from amounts appropriated under section 670A. 42 USC 9873.

"USE OF ALLOTMENTS

"SEC. 670D. (a) Subject to the provisions of subsections (c) and (d), amounts paid to a State under section 670C from its allotment under 42 USC 9874. 98 STAT. 2881 section 670B for fiscal year 1985 and fiscal year 1986 may be used for the planning, development, establishment, expansion, or improvement by the States, directly or by grant or contract with public or private entities, of State and local resource and referral systems to provide information concerning the availability, types, costs, and locations of dependent care services. The information provided by any such system shall include—

"(1) the types of dependent care services available, including services provided by individual homes, religious organizations, community organizations, employers, private industry, and public and private institutions;

"(2) the costs of available dependent care services;

"(3) the locations in which dependent care services are provided;

"(4) the forms of transportation available to such locations;

"(5) the hours during which such dependent care services are available;

"(6) the dependents eligible to enroll for such dependent care services; and

"(7) any resource and referral system planned, developed, established, expanded, or improved with amounts paid to a State under this subchapter.

In carrying out clause (7) of the previous sentence, no information shall be included with respect to any dependent care services which are not provided in compliance with the laws of the State and localities in which such services are provided.

"(b)(1) Subject to the provisions of subsections (c) and (d), amounts paid to a State under section 670C from its allotment under section 670B for fiscal year 1985 and fiscal year 1986 may be used for the planning, development, establishment, expansion, or improvement by the States, directly, or by grant or contract, with public agencies or private nonprofit organizations of programs to furnish school-age child care services before and after school in public or private school facilities or in community centers in communities where school facilities are not available.

"(2) The State, with respect to the uses of funds described in paragraph (1) of this subsection shall—

"(A) provide assurances, in the case of an applicant that is not a State or local educational agency, that the applicant has or will enter into an agreement with the State or local educational agency, institution of higher education or community center containing provisions for—

"(i) the use of facilities for the provision of before or after school child care services (including such use during holidays and vacation periods),

"(ii) the restrictions, if any, on the use of such space, and

"(iii) the times when the space will be available for the use of the applicant;

"(B) provide an estimate of the costs of the establishment of the child care service program in the facilities;

"(C) provide assurances that the parents of school-age children will be involved in the development and implementation of the program for which assistance is sought under this Act;

"(D) provide assurances that the applicant is able and willing to seek to enroll racially, ethnically, and economically diverse as well as handicapped school-age children in the child care service program for which assistance is sought under this Act;

98 STAT. 2882

"(E) provide assurances that the child care program is in compliance with State and local licensing laws and regulations governing day care services for school-age children to the extent that such regulations are appropriate to the age group served; and

"(F) provide such other assurances as the Governor may reasonably require to carry out the provisions of this Act.

"(c) Of the allotment to each State in each fiscal year—

"(1) 40 percent shall be available for the activities described in subsection (a);

"(2) 60 percent shall be available for the activities described in subsection (b).

"(d) A State may not use amounts paid to it under this subchapter to—

"(1) pay the costs of operation of any resource and referral system or before or after school child care program established, expanded, or improved under subsection (a);

"(2) make cash payments to intended recipients of dependent care services including child care services;

"(3) subsidize the direct provision of dependent care services including child care services;

"(4) pay for construction or renovation; or

"(5) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(e)(1) The Federal share of any project supported under this subchapter shall be not more than 75 percent.

"(2) Not more than 10 percent of the allotment of each State under this subchapter may be available for the cost of administration.

"(f). Projects supported under this section to plan, develop, establish, expand, or improve a State or local resource and referral system or before or after school child care program shall not duplicate any services, which prior to the date of enactment of this subchapter, are provided by the State or locality which will be served by such system.

"(g) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this subchapter.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

42 USC 9875.

"Sec. 670E. (a)(1) In order to receive an allotment under section 670B, each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 670B shall contain assurances that the State will meet the requirements of subsection (b).

"(b) As part of the annual application required by subsection (a), the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to it under section 670B in accordance with the requirements of this subchapter; and

"(2) certify that the State agrees that Federal funds made available under section 670C for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

98 STAT. 2883

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(c) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 670C, including information on the programs and activities to be supported. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) until September 30, 1987, as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this subchapter, and any revision shall be subject to the requirements of the preceding sentence.

"(d) Except where inconsistent with the provisions of this subchapter, the provisions of section 1903(b), paragraphs (1) through (5) of section 1906(a), and sections 1906(b), 1907, 1908, and 1909 of the Public Health Service Act shall apply to this subchapter in the same manner as such provisions apply to part A of title XIX of such Act.

42 USC 300w-2.
42 USC 300w-5–300w-8.
42 USC 300w.

"REPORT

"Sec. 670F. Within three years after the date of enactment of this subchapter, the Secretary shall prepare and transmit to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor a report concerning the activities conducted by the States with amounts provided under this subchapter. 42 USC 9876.

"DEFINITIONS

"Sec. 670G. For purposes of this subchapter— 42 USC 9877.

"(1) the term 'community center' means facilities operated by nonprofit community-based organizations for the provision of recreational, social, or educational services to the general public;

"(2) the term 'dependent' means—

"(A) an individual who has not attained the age of 17 years;

"(B) an individual who has attained the age of 55 years; or

"(C) a person with a developmental disability;

"(3) the term 'developmental disability' has the same meaning as in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act; 42 USC 6001.

"(4) the term 'equipment' has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965; 20 USC 2854.

"(5) the term 'institution of higher education' has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965; 20 USC 1141.

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"(6) the term 'local educational agency' has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965; 20 USC 2854.

"(7) the term 'school-age children' means children aged five through thirteen;

"(8) the term 'school facilities' means classrooms and related facilities used for the provision of education;

"(9) the term 'Secretary' means the Secretary of Health and Human Services;

"(10) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands; and

"(11) the term 'State educational agency' has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.". 20 USC 2854.

TITLE II—COMMUNITY SERVICES BLOCK GRANT

AUTHORIZATION OF APPROPRIATIONS

42 USC 9901.

SEC. 201. Section 672(b) of the Community Services Block Grant Act (hereinafter in this title referred to as the "Act") is amended by adding at the end thereof the following new sentence: "There is authorized to be appropriated $400,000,000 for the fiscal year 1985, and $415,000,000 for the fiscal year 1986, to carry out the provisions of this subtitle.".

DEFINITIONS

42 USC 9902.

42 USC 2781.

42 USC 2809.

97 Stat. 871.

SEC. 202. (a)(1) The second sentence of section 673(1) of the Act is amended to read as follows: "The term 'eligible entity' also includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, unless such designated agency lost its designation under title II of such Act as a result of a failure to comply with the provisions of such Act, any grantee which received financial assistance under section 222(a)(4) of the Economic Opportunity Act of 1964 in fiscal year 1981, and any organization to which a State which applied for and received a waiver from the Secretary under Public Law 98-139 made a grant under this Act in fiscal year 1984.".

Supra.

(2) Section 673(1) of the Act is amended by adding at the end thereof the following two sentences: "In any geographic area of a State not presently served by an eligible entity, the Governor of the State may decide to serve such a new area by—

"(A) requesting an existing eligible entity which is located and provides services in an area contiguous to the new area to serve the new area;

"(B) if no existing eligible entity is located and provides services in an area contiguous to the new area, requesting the eligible entity located closest to the area to be served or an existing eligible entity serving an area within reasonable proximity of the new area to provide services in the new area; or

98 STAT. 2885

42 USC 9904.

"(C) where no existing eligible entity requested to serve the new area decides to do so, designating any existing eligible entity, any organization which has a board meeting the requirements of section 675(c)(3) or any political subdivision of the State to serve the new area. The Governor's designation of an organization which has a board meeting the requirements of section 675(c)(3) or a political subdivision of the State to serve the new area shall qualify such organization as an eligible entity under this Act.".

42 USC 9902.

(b) Section 673(2) of the Act is amended by inserting at the end thereof the following new sentence: "Whenever the State determines that it serves the objectives of the block grant established by this subtitle the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.".

APPLICATIONS AND REQUIREMENTS

42 USC 9904.

SEC. 203. (a)(1) Section 675(c)(2)(A)(i) of the Act is amended by striking "1982 only" and inserting in lieu thereof "1985 and for each subsequent fiscal year".

(2) Section 675(c)(2)(A)(i) of the Act is amended by inserting before the semicolon a comma and the following: "except that no more than 7 percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year".

(3) Section 675(c)(2)(A) of the Act is amended—

(A) by striking out "(i)"; and

(B) by striking out division (ii).

(4) Section 675(c)(2)(B) of the Act is amended by inserting after "than" the following: "the greater of $55,000 or".

(5) Section 675(c)(5) of the Act is amended—

(A) by striking out "or the energy" and inserting in lieu thereof "the energy", and

(B) by inserting ", or the Temporary Emergency Food Assistance Act of 1983" before the semicolon.

(b) Section 675 of the Act is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new clause:

"(11) provide assurances that any community action agency or migrant and seasonal farmworker organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act unless after notice, and opportunity for hearing on the record, the State determines that cause existed for such termination subject to review by the Secretary as provided in section 676A.". *Post*, p. 2286.

(c) Section 675 is amended by adding at the end thereof the following new subsection:

"(i)(1) For purposes of determining compliance with this subchapter the Secretary shall conduct, in several States in each fiscal year, evaluations of the uses made of funds received under this subchapter by such States. Evaluations.

"(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.".

(d) The Act is amended by inserting after section 676 the following new section:

98 STAT. 2886

"TERMINATION OF FUNDING REVIEW

"SEC. 676A. The Secretary shall upon request review any termination of funding to a community action agency or migrant and seasonal farmworker organization protected by a State's assurance under section 675(c)(11). Such review shall be conducted promptly and shall be based upon the record and no determination shall become effective until a finding by the Secretary confirming the State's finding of cause.". 42 USC 9905a.

DISCRETIONARY PROGRAM

SEC. 204. (a)(1) The matter preceding clause (1) of section 681(a) of the Act is amended by striking out "public and other organizations and agencies" both times it appears and inserting in lieu thereof "public agencies and private nonprofit organizations". 42 USC 9910.

(2) Section 681(a) of the Act is amended—

(A) by striking out "and" at the end of clause (1);

(B) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

"(3) training and technical assistance to aid States in carrying out their responsibilities under this subchapter.".

(b) Section 681(a) of the Act is amended by adding at the end thereof the following new flush sentence: "In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern.".

WITHHOLDING

SEC. 205. (a) Section 679(b) of the Act is amended— 42 USC 9908.

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Secretary", and

(2) in paragraph (3) by striking out "may" and inserting in lieu thereof "shall".

(b) Section 679 of the Act is amended by striking out subsection (d).

COMMUNITY FOOD AND NUTRITION PROGRAM

SEC. 206. The Act is amended by inserting after section 681 the following new section:

"COMMUNITY FOOD AND NUTRITION

42 USC 9910a.

"SEC. 681A. (a) The Secretary may through grants to public and private nonprofit agencies, provide for community-based, local, and statewide programs—

"(1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations;

"(2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and

"(3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income people.

Appropriation authorization.

"(b) There is authorized to be appropriated $2,500,000 for each of the fiscal years 1985 and 1986 to carry out the provisions of this

98 STAT. 2887

section.".

CONSTRUCTION

42 USC 9904 note.
Ante, p. 2885.

SEC. 207. Notwithstanding any other provision of law the provisions of section 675(c)(2) of the Act made by the amendments contained in paragraphs (1), (2), and (3) of section 203 of this Act shall apply to the funds appropriated for the Act for fiscal year 1985.

TITLE III—FOLLOW THROUGH

AUTHORIZATION OF APPROPRIATIONS

42 USC 9862.

SEC. 301. Section 663(a)(1) of the Follow Through Act is amended to read as follows:

"(1) There is authorized to be appropriated for carrying out the purposes of this subchapter $10,000,000 for the fiscal year 1985 and $7,500,000 for the fiscal year 1986.".

REPEALER

42 USC 9861 note.

SEC. 302. Section 670 of the Follow Through Act is amended by striking out "1984" and inserting in lieu thereof "1986".

TITLE IV—WEATHERIZATION PROGRAM

Energy.

STATE ELECTION OF LIHEAP INCOME ELIGIBILITY LEVEL

SEC. 401. Section 412(7) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(7)) is amended by striking out "or" before the beginning of clause (B), by striking out the period at the end of the paragraph and inserting in lieu thereof a comma, and by adding at the end of the paragraph "or (C) if a State elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), provided that such basis is at least 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.".

NEW TECHNOLOGY AND ELIMINATION OF A RULEMAKING REQUIREMENT

SEC. 402. Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended by—

(1) amending paragraph (B) to read as follows:

"(B) furnace efficiency modifications, including, but not limited to—

"(i) replacement burners, furnaces, or boilers or any combination thereof;

"(ii) devices for minimizing energy loss through heating system, chimney, or venting devices; and "(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;"; and

(2) striking out "by rule" in paragraph (G).

MAXIMUM EXPENSES

SEC. 403. Section 415 of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6865) is amended—

(1) by striking out the first sentence in subsection (a) and inserting in lieu thereof: "An average of at least forty percent of the funds provided in a State under this part for weatherization materials, labor, and related matters described in subsection (c) shall be spent for weatherization materials."; and

98 STAT. 2888

(2) by amending subsection (c) to read as follows:

"(c)(1) The expenditure of financial assistance provided under this part for labor, weatherization materials, and related matters shall not exceed an average of $1,600 per dwelling unit weatherized in that State. Labor, weatherization materials, and related matter includes, but is not limited to—

"(A) the appropriate portion of the cost of tools and equipment used to install weatherization materials for a dwelling unit;

"(B) the cost of transporting labor, tools, and materials to a dwelling unit;

"(C) the cost of having onsite supervisory personnel; and

"(D) the cost of making incidental repairs to a dwelling unit if such repairs are necessary to make the installation of weatherization materials effective.

"(2) Dwelling units partially weatherized under this part or under other Federal programs during the period September 30, 1975, through September 30, 1979, may receive further financial assistance for weatherization under this part.".

PERFORMANCE FUND

42 USC 6865.

SEC. 404. Section 415 of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862) is amended by adding at the end thereof the following new subsection:

"(d) Beginning in fiscal year 1986, not less than 5 percent and no more than 15 percent of the amount appropriated under this part for each fiscal year shall be allotted by the Secretary to a performance fund, which shall be available only to provide financial assistance under this part to those States which the Secretary determines to have demonstrated the best performance during the previous fiscal year in providing weatherization assistance. The Secretary shall make such determination on the basis of such information as may be available to the Secretary, to include, but not be limited to, the percentage of eligible dwelling units within the State which have been weatherized using low-income weatherization assistance program funds during the relevant reporting period. In assessing the quality of the weatherization assistance provided, the Secretary shall consider comparable energy savings data supplied by the States.".

TITLE V—HIGHER EDUCATION AND RESEARCH PROJECT

CENTER FOR EXCELLENCE IN EDUCATION AUTHORIZED

Indiana University.

SEC. 501. (a) The Secretary of Education (hereinafter in this section referred to as the "Secretary") is authorized in accordance with the provisions of this title, to provide financial assistance to Indiana University located in Bloomington, Indiana, to pay the Federal share of the cost of the construction, and related costs, including renovation costs, for the Center for Excellence in Education facility at Indiana University, to be used as a national research and training resource for individuals who intend to become exemplary elementary and secondary school teachers and administrators.

98 STAT. 2889

(b)(1) No financial assistance may be made under this title unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) For the purpose of this section, the Federal share of the cost of the Center for Excellence in Education facility at the Indiana University should not exceed 50 percent.

Appropriation authorization.

(c) There are authorized to be appropriated such sums, not to exceed $6,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this title shall remain available until September 30, 1987.

RESEARCH CENTERS

Health. Energy. University of Utah.

SEC. 502. (a)(1) The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Utah located in Salt Lake City, Utah, to pay the Federal share of the cost of the establishment and operation (including construction, and related costs, including renovation costs) of a center for research on the health effects of nuclear energy and other new energy technologies.

(2)(A) No financial assistance may be made under this subsection unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(B) For the purpose of this subsection, the Federal share of the cost of the center shall not exceed 50 percent.

Appropriation authorization.

(3) There are authorized to be appropriated such sums, not to exceed $4,000,000, as may be necessary to carry out the provisions of this subsection. Funds appropriated pursuant to this subsection shall remain available until September 30, 1987.

St. George, Utah, cancer screening center.

(b)(1) The Secretary shall, through the National Cancer Institute, establish or support at least one clinic or health facility for cancer screening and research in St. George, Utah. Such clinic shall be affiliated with a health science center capable of providing clinical, research, and interdisciplinary technical assistance to such clinic or facility, and shall make its services accessible to the preponderance of the residents of the areas that have received the greatest fallout from the Nevada nuclear tests.

Appropriation authorization.

(2) There are authorized to be appropriated such sums, not to exceed $6,000,000, as may be necessary to carry out the provisions of this subsection. Funds appropriated pursuant to this subsection shall remain available until September 30, 1987.

TITLE VI—LOW-INCOME HOME ENERGY ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

42 USC 8621.

SEC. 601. Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (hereinafter in this title referred to as the "Act") is amended to read as follows:

"(b) There is authorized to be appropriated to carry out the provisions of this title $2,140,000,000 for the fiscal year 1985, and $2,275,000,000 for the fiscal year 1986.".

98 STAT. 2890

DEFINITION

42 USC 8622.

SEC. 602. (a) Section 2603(1) of the Act is amended—

(1) by striking out "intervention"; and

(2) by inserting before the period "and other household energy-related emergencies".

(b) Section 2603(4) of the Act is amended to read as follows:

"(4) The term 'poverty level' means, with respect to a household in any State, the income poverty line as prescribed and revised at least annually pursuant to section 673(2) of the Community Services Block Grant Act, as applicable to such State.". *Ante*, p. 2885.

ENERGY CRISIS INTERVENTION

SEC. 603. (a) Section 2604(c) of the Act is amended— 42 USC 8623.

(1) by inserting after "reserved" the following: "until March 15 of each program year"; and

(2) by adding at the end thereof the following new sentence: "The program for which funds are reserved by this subsection shall be administered by public or nonprofit entities which have experience in administering energy crisis programs under the Low-Income Energy Assistance Act of 1980, or under this Act, experience in assisting low-income individuals in the area to be served, and the capacity to undertake a timely and effective energy crisis intervention program.".

(b) Section 2604(d)(1) of the Act is amended by striking out "otherwise be paid" and inserting in lieu thereof "otherwise be payable".

(c) Section 2604(e) of the Act is repealed.

(d) Section 2604(f) of the Act is amended by striking out "its allotment" and inserting in lieu thereof "the funds payable to it".

STATE ALLOTMENTS

SEC. 604. (a) Section 2604(a)(2) is amended to read as follows: 42 USC 8623.

"(2) For purposes of paragraph (1), for fiscal year 1985 and thereafter, a State's allotment percentage is the percentage which expenditures for home energy by low-income households in that State bears to such expenditures in all States, except that States which thereby receive the greatest proportional increase in allotments by reason of the application of this paragraph from the amount they received pursuant to Public Law 98-139 shall have their allotments reduced to the extent necessary to ensure that— 97 Stat. 871.

"(A)(i) no State for fiscal year 1985 shall receive less than the amount of funds the State received in fiscal year 1984; and

"(ii) no State for fiscal year 1986 and thereafter shall receive less than the amount of funds the State would have received in fiscal year 1984 if the appropriations for this title for fiscal year 1984 had been $1,975,000,000, and

"(B) any State whose allotment percentage out of funds available to States from a total appropriation of $2,250,000,000 would be less than 1 percent, shall not, in any year when total appropriations equal or exceed $2,250,000,000, have its allotment percentage reduced from the percentage it would receive from a total appropriation of $2,140,000,000.".

(b) Section 2604(a) is amended by adding at the end thereof the following new paragraph: 98 STAT. 2891

"(4) For the purpose of this section, the Secretary shall determine the expenditure for home energy by low-income households on the basis of the most recent satisfactory data available to the Secretary.".

APPLICATIONS AND REQUIREMENTS

SEC. 605. (a)(1) Section 2605(b)(1) of the Act is amended by striking out "subsection" and inserting in lieu thereof "section". 42 USC 8624.

(2) Subclause (B) of section 2605(b)(2) of the Act is amended by inserting after the semicolon and flush to the margin of subclause (B) the following: "except that no household may be excluded from eligibility under this subclause for payments under this title for fiscal year 1986 and thereafter if the household has an income which is less than 110 percent of the poverty level for such State for such fiscal year".

(3) Section 2605(b)(5) is amended by inserting before the semicolon a comma and the following: "except that the State may not differentiate in implementing this section between the households described in clause (2)(A) and (2)(B) of this subsection".

(4) Section 2605(b)(7)(C) is amended by striking out "any differently" and inserting in lieu thereof "adversely".

(5) Section 2605(b)(8) of the Act is amended by inserting after "that" the following: "(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and (B)".

(6) Section 2605(b)(9)(A) of the Act is amended to read as follows:

"(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year and not transferred pursuant to section 2604(f) for use under another block grant; and". 42 USC 8623.

(7) Section 2605(b)(10) of the Act is amended by striking out "every year" and inserting in lieu thereof "every two years".

(8) Section 2605(b) of the Act is amended—

(A) by striking out "and" at the end of clause (12);

(B) by striking out the period at the end of clause (13) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new clauses:

"(14) describe the procedures by which households in the State are identified as eligible to participate under this title and the manner in which the State determines benefit levels;

Ante, p. 2890. "(15) describe the amount that the State will reserve in accordance with section 2604(c) in each fiscal year for energy crisis intervention activities together with the administrative procedures (A) for designating an emergency, (B) for determining the assistance to be provided in any such emergency, and (C) for the use of funds reserved under such section for the purposes under this title in the event any portion of the amount so reserved is not expended for emergencies.

"(16) describe energy usage and the average cost of home energy in the State, identified by type of fuel and by region of the State; and

"(17) cooperate with the Secretary with respect to data collecting and reporting under section 2610.". 42 USC 8629.

Regulations (9) Section 2605(b) is amended by adding at the end thereof the following new sentence: "The Secretary shall issue regulations to prevent waste, fraud, and abuse in the programs assisted by this title.". 2892

42 USC 8624. (b)(1) Section 2605(c)(1) of the Act is amended to read as follows:

"(c)(1) As part of the annual application required in subsection (a), the chief executive officer of each State shall prepare and furnish to the Secretary, in such format as the Secretary may require, a plan which—

"(A) describes how the State will carry out the assurances required under subsection (b);

"(B) contains estimates of the amount of funds the State will use for each of the programs under such plan;

"(C) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title;

"(D) describes weatherization and other energy-related home repair the State will provide under subsection (k); and

"(E) contains any other information determined by the Secretary to be appropriate for purposes of this title.

The chief executive officer may revise any plan prepared under this paragraph and shall furnish the revised plan to the Secretary.".

(2) Section 2605(c)(2) of the Act is amended—

(A) by inserting "and each substantial revision thereof" after "Each plan prepared under paragraph (1)", and

(B) by striking out the period at the end thereof and inserting in lieu thereof "or substantial revision.".

(c) Section 2605(d) of the Act is amended to read as follows:

"(d) The State shall expend funds in accordance with the State plan under this title or in accordance with revisions applicable to such plan.".

(d) Section 2605(e) of the Act is amended to read as follows:

Audits.

"(e) Each State shall, in carrying out the requirements of subsection (b)(10), obtain financial and compliance audits of any funds which the State receives under this title. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of any agency administering activities under this title. The audits shall be conducted in accordance with the Comptroller General's standards for audit of governmental organizations, programs, activities, and functions. Within 30 days after completion of each audit, the chief executive officer of the State shall submit a copy of the audit to the legislature of the State and to the Secretary.".

(e) Section 2605(f) of the Act is amended by inserting before the comma the first time it appears the following: "unless enacted in express limitation of this paragraph".

(f) Section 2605(h) of the Act is amended by inserting "(but not less frequently than every three years)" after "time" the second place it appears.

PAYMENTS TO STATES

42 USC 8626.

SEC. 606. (a)(1) The second sentence of section 2607(b)(2)(A) of the Act is amended by inserting "or the amount payable to" after "of".

(2) Section 2607(b)(2)(A) of the Act is amended by inserting after the first sentence thereof the following: "Such request shall include a statement of the reasons that the amount allotted to such State for a fiscal year will not be used by such State during such fiscal year and a description of the types of assistance to be provided with the amount held available for the following fiscal year.".

98 STAT. 2893

42 USC 8626.

(b)(1)(A) The first sentence of section 2607(b)(2)(B) of the Act is amended by striking out "25 percent" and inserting in lieu thereof "15 percent".

(B) The first sentence of section 2607(b)(2)(B) of the Act is further amended by striking out "allotted to such State for such prior fiscal year" and inserting in lieu thereof "payable to such State for such prior fiscal year and not transferred pursuant to section 2604(f)".

(2) The second sentence of section 2607(b)(2)(B) of the Act is amended by striking out "allotted to a State" and inserting in lieu thereof "payable to a State but not transferred by the State".

(c) Section 2607(b)(2) of the Act is amended by adding at the end thereof the following new subparagraph:

"(C) The Secretary shall reallot amounts made available under this paragraph for the fiscal year following the fiscal year of the original allotment in accordance with paragraph (1) of this subsection.".

STUDIES

42 USC 8629.

SEC. 607. (a) Section 2610(a)(2) of the Act is amended—

(1) by inserting "amount," before "cost"; and

(2) by adding at the end thereof the following: "for households eligible for assistance under this title".

(b) Section 2610(a) of the Act is amended by—

(1) striking out "and" at the end of clause (4);

(2) redesignating clause (5) as clause (6); and

(3) inserting after clause (4) the following new clause:

"(5) the number of households which received such assistance and include one or more individuals who are 60 years or older or handicapped; and".

(c) Section 2610(a) of the Act is amended by adding at the end thereof the following new flush sentence: "Nothing in this subsection may be construed to require the Secretary to collect data which has been collected and made available to the Secretary by any other agency of the Federal Government."

(d) Section 2610(b) of the Act is amended to read as follows:

Report. "(b) The Secretary shall, no later than June 30 of each fiscal year, submit a report to the Congress containing a detailed compilation of the data under subsection (a) with respect to the prior fiscal year.".

TECHNICAL AMENDMENT

42 USC 8627. SEC. 608. Section 2608(b)(2) of the Act is amended by striking out "he" and inserting in lieu thereof "the Secretary".

EFFECTIVE DATES

42 USC 8621 note. SEC. 609. (a) Except as provided in subsections (b), (c), and (d), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) The amendments made by section 605 shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(c) The amendments made by section 606 shall apply to amounts held available for fiscal years beginning after September 30, 1985.

(d) The amendment made by section 607 shall apply to data collected and compiled after the date of the enactment of this Act. Section 2610 of the Act as in effect before the date of the enactment of this Act shall apply with respect to the report submitted under such section 2610 for fiscal year 1984.

42 USC 8629.
98 STAT. 2894
42 USC 8629.

TITLE VII—POSTSECONDARY EDUCATION SCHOLARSHIP PROGRAM

AMENDMENT TO TITLE V OF THE HIGHER EDUCATION ACT OF 1965

SEC. 701. Title V of the Higher Education Act of 1965 is amended by inserting after part D the following new parts E and F:

"PART E—CARL D. PERKINS SCHOLARSHIP PROGRAM

"DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

20 USC 1119d. "SEC. 561. (a) It is the purpose of this part to make available, through grants to the States, scholarships during fiscal years 1986 through 1990 to a maximum of ten thousand individuals who are outstanding high school graduates and who demonstrate an interest in teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the elementary or secondary level. Such scholarships shall be referred to as 'Carl D. Perkins Scholarships'.

"(b) There are authorized to be appropriated $20,000,000 for fiscal year 1986, $21,000,000 for fiscal year 1987, $22,000,000 for fiscal year 1988, and $23,000,000 for fiscal year 1989, for Carl D. Perkins Scholarships to eligible students under this part.

"ALLOCATION AMONG STATES

20 USC 1119d-1. "SEC. 562. (a) From the sums appropriated pursuant to section 561 for any fiscal year, the Secretary shall allocate to any State an amount which bears as nearly as possible the same ratio to such sums as the number of persons in that State bears to the number of persons in all States.

"(b) For the purpose of this section, the number of persons in a State and in all States shall be determined by the most recently available data from the United States Census Bureau.

"GRANT APPLICATIONS

20 USC 1119d-2. "SEC. 563. (a) The Secretary is authorized to make grants to States in accordance with the provisions of this part. In order to receive a grant under this part, a State shall submit an application at such

time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth a program of activities for carrying out the purposes set forth in section 561(a) in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purposes and such other policies, procedures, and assurances as the Secretary may require by regulation.

"(b) The Secretary shall approve an application only if the application—

"(1) describes the selection criteria and procedures to be used by the State in the selection of scholarships under this part which satisfy the provisions of this part;

"(2) designates the State agency which administers the program under subpart 3 of part A of title IV, relating to State student incentive grants, or the State agency with which the Secretary has an agreement under section 428(b); 20 USC 1070c. 98 STAT. 2895 20 USC 1078.

"(3) describes the outreach effort the State agency intends to use to publicize the availability of Carl D. Perkins Scholarships to high school students in the State;

"(4) provides assurances that each recipient eligible under section 565(b) of this part who receives a Carl D. Perkins Scholarship shall enter into an agreement with the State agency under which the recipient shall—

"(A) within the ten-year period after completing the postsecondary education for which the Carl D. Perkins Scholarship was awarded, teach, for a period of not less than two years for each year for which assistance was received, in a public elementary or secondary school in any State, in a public education program in any State, or in a private nonprofit school located and serving students in a district eligible for assistance pursuant to chapter 1 of the Education Consolidation and Improvement Act of 1981, or, on a full-time basis, handicapped children or children with limited English proficiency in a private nonprofit school, except that, in the case of individuals who teach in a school serving large numbers or high concentrations of economically disadvantaged students, or who teach children with limited English proficiency or handicapped children, the requirements of this subparagraph shall be reduced by one-half; 20 USC 3801.

"(B) provide the State agency evidence of compliance with section 566 of this part as required by the State agency; and

"(C) repay all or part of a Carl D. Perkins Scholarship received under section 564 of this part plus interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 567 of this part, in the event that the conditions of clause (A) are not complied with, except as provided for in section 568 of this part;

"(5) provides that the agreement entered into with recipients shall fully disclose the terms and conditions under which assistance under this part is provided and under which repayment may be required. Such disclosure shall include—

"(A) a description of the procedures required to be established under paragraph (6); and

"(B) a description of the appeals procedures required to be established under paragraph (7) under which a recipient may appeal a determination of noncompliance with any provision under this part;

"(6) provides for procedures under which a recipient of assistance received under this part who teaches for less than the period required under paragraph (4)(A) will have the repayment requirements reduced or eliminated consistent with the provisions of sections 567 and 568 of this part;

"(7) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part;

"(8) provides assurances that the State agency shall make particular efforts to attract students from low-income backgrounds or who express a willingness or desire to teach in schools having less than average academic results or serving large numbers of economically disadvantaged students; and

98 STAT. 2896

"(9) provides assurances that Carl D. Perkins Scholarships will be awarded without regard to sex, race, handicapping condition, creed, or economic background.

"(c) The selection criteria and procedures to be used by the State shall reflect the present and projected teacher needs of the State, including the demand for and supply of elementary teachers in the State, the demand for and supply of secondary teachers in the State, and the demand for teachers with training in specific academic disciplines in the State.

"(d) In developing the selection criteria and procedures to be used by the State, the State shall solicit the views of State and local educational agencies, private educational institutions, and other interested parties. Such views—

"(1) shall be solicited by means of (A) written comments; and (B) publication of proposed selection criteria and procedures in final form for implementation; and

"(2) may be solicited by means of (A) public hearings on the teaching needs of elementary and secondary schools in the State (including the number of new teachers needed, the expected supply of new teachers, and the shortages in the State of teachers with training in specific academic disciplines); or (B) such other methods as the State may determine to be appropriate to gather information on such needs.

"AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE

20 USC 1119d-3. "SEC. 564. (a) Subject to subsection (c), each Carl D. Perkins Scholar shall receive a $5,000 scholarship for each academic year of postsecondary education for study in preparation to become an elementary or secondary teacher. No individual shall receive scholarship assistance for more than four years of postsecondary education, as determined by the State agency.

Prohibition.

20 USC 1070. "(b) Notwithstanding the provisions of title IV of this Act, scholarship funds awarded pursuant to this part shall be considered in determining eligibility for student assistance under title IV of this Act.

"(c) Carl D. Perkins Scholarship assistance awarded by the statewide panel established pursuant to section 565 to any individual in any given year, when added to assistance received under title IV of this Act, shall not exceed the cost of attendance, as defined under section 482(d), at the institution the individual is attending. If the amount of the Carl D. Perkins Scholarship assistance and assistance received under title IV of this Act, exceeds the cost of attendance, the Carl D. Perkins Scholarship shall be reduced by an amount equal to the amount by which the combined awards exceed the cost of attendance.

20 USC 1089.

Prohibition. "(d) No individual shall receive an award under the Carl D. Perkins Scholarship established under this part, in any academic year, which shall exceed the cost of attendance, as defined under section 482(d), at the institution the individual is attending.

"SELECTION OF CARL D. PERKINS SCHOLARS

20 USC 1119d-4. "SEC. 565. (a) Carl D. Perkins Scholars shall be selected by a seven-member statewide panel appointed by the chief State elected official, acting in consultation with the State educational agency, or by an existing grant agency or panel designated by the chief State elected official and approved by the Secretary of Education. The statewide panel shall be representative of school administrators, teachers, and parents.

98 STAT. 2897

"(b) Selections of Carl D. Perkins Scholars shall be made from students who have graduated or who are graduating from high school and who rank in the top 10 per centum of their graduating class. The State educational agency shall make applications available to high schools in the State and in other locations convenient to applicants, parents, and others. The statewide panel shall develop criteria and procedures for the selection of Carl D. Perkins Scholars. Such criteria may include the applicant's high school grade point average, involvement in extracurricular activities, financial need, and expression of interest in teaching as expressed in an essay written by the applicant. The panel may also require the applicant to furnish letters of recommendation from teachers and others.

"SCHOLARSHIP CONDITIONS

"SEC. 566. Recipients of scholarship assistance under this part shall continue to receive such scholarship payments only during such periods that the State agency finds that the recipient is (A) enrolled as a full-time student in an accredited postsecondary institution; (B) pursuing a course of study leading to teacher certification; and (C) maintaining satisfactory progress as determined by the postsecondary institution the recipient is attending. 20 USC 1119d-5.

"SCHOLARSHIP REPAYMENT PROVISIONS

"SEC. 567. Recipients found by the State agency to be in noncompliance with the agreement entered into under section 563(b)(4) of this part shall be required to repay a pro rata amount of the scholarship awards received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this part. 20 USC 1119d-6.

"EXCEPTIONS TO REPAYMENT PROVISIONS

"SEC. 568. (a) A recipient shall not be considered in violation of the agreement entered into pursuant to section 563(b)(4)(C) if the recipient (1) returns to a full-time course of study related to the field of teaching at an eligible institution; (2) is serving, not in excess of three years, as a member of the armed services of the United States; (3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician; (4) is unable to secure employment for a period not to exceed twelve months by reason of the care required by a spouse who is disabled; (5) is seeking and unable to find full-time employment for a single period not to exceed twelve months; (6) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school or a public education program; or (7) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part. 20 USC 1119d-7.

"(b) A recipient shall be excused from repayment of any scholarship assistance received under this part if the recipient becomes permanently totally disabled as established by sworn affidavit of a qualified physician. 98 STAT. 2898

"FEDERAL ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 569. (a) The Secretary shall not finally disapprove any application for a State program submitted under section 563, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing. 20 USC 1119d-8.

"(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this part, finds—

"(1) that the State program has been so changed that it no longer complies with the provisions of this part, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions,

the Secretary shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until the Secretary is satisfied that there is no longer any such failure to comply.

"(c)(1) If any State is dissatisfied with the Secretary's final action under subsection (b) (1) or (2), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and the record on which the action was based.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify any previous action, and shall certify to the court the transcript and record of further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PART F—NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

"DECLARATION OF PURPOSE

20 USC 1119e. "SEC. 571. It is the purpose of this part to establish a national fellowship program for outstanding teachers.

"AUTHORIZATION OF APPROPRIATIONS; ALLOCATION AMONG STATES

20 USC 1119e-1. "SEC. 572. There are authorized to be appropriated $1,000,000 for fiscal year 1986, $2,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $4,000,000 for fiscal year 1989, for fellowships to outstanding teachers under this part. Not more than 2½ per centum of these funds shall be used for purposes of administering this part. 98 STAT. 2899

"TALENTED TEACHER FELLOWSHIPS

20 USC 1119 "SEC. 573. (a)(1) Except as provided under paragraph (3), sums available for the purpose of this part shall be used to award one national teacher fellowship to a public or private school teacher teaching in each congressional district of each State, and in the District of Columbia, and the Commonwealth of Puerto Rico; and one such fellowship in Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Prohibition. "(2) Fellowship awards may not exceed the average national salary of public school teachers in the most recent year for which satisfactory data are available, as determined by the Secretary. Talented teacher fellows may not receive an award for two consecutive years. Subject to the repayment provisions of section 576, talented teacher fellows shall be required to return to a teaching position in their current school district or private school system for at least two years following the fellowship award.

"(3) If the appropriation under section 572 is not sufficient to provide the number of fellowships required by paragraph (1) at the level required under paragraph (2), the Secretary shall determine and publish an alternative distribution of fellowships which will permit fellowship awards at that level and which is geographically equitable. The Secretary shall send a notice of such determination to each of the statewide panels established under section 574.

"(b) Talented teacher fellows may use such awards for such projects for improving public education as the Secretary may approve, including (1) sabbaticals for study or research directly associated with the objectives of this part, or academic improvement; (2) consultation with or assistance to other school districts or private school systems; (3) development of special innovative programs; or (4) model teacher programs and staff development.

"SELECTION OF TALENTED TEACHER FELLOWSHIPS

"SEC. 574. Recipients of talented teacher fellowship in each State shall be selected (in accordance with section 575) by a seven-member statewide panel appointed by the chief State elected official, acting in consultation with the State educational agency, or by an existing panel designated by the chief State elected official and approved by the Secretary of Education. The statewide panel shall be representative of school administrators, teachers, parents, and institutions of higher education. 20 USC 1119e-3.

"EVALUATION OF APPLICATIONS

"SEC. 575. (a) An applicant for talented teacher fellowship assistance shall submit proposals for projects under section 573(b), and shall indicate the extent to which the applicant wishes to continue current teaching duties. The applicant shall submit such proposals to the local education agency for comment prior to submission to the statewide panel (appointed under section 574) for the State within which the project is to be conducted. In evaluating proposals, such statewide panel shall consult with the local education agency, requesting two recommendations from teaching peers; a recommendation from the principal; and a recommendation of the superintendent on the quality of the proposal and its benefit to the local education agency; and any other criteria for awarding fellowships as is considered appropriate by such statewide panel. Selection of fellows shall be made in accordance with regulations prescribed by the Secretary of Education. 20 USC 1119e-4.

98 STAT. 2900

"(b) Announcement of awards shall be made in a public ceremony.

"FELLOWSHIP REPAYMENT PROVISIONS

"SEC. 576. Repayment of the award shall be made to the Federal Government in the case of fraud or gross noncompliance.". 20 USC 1119e-5.

MATH SCIENCE TECHNICAL AMENDMENT

SEC. 702. Section 711 of the Education for Economic Security Act is amended by striking out "(a)" and by striking out subsection (b) of such section. *Ante*, p. 1301.

TITLE VIII—FEDERAL MERIT SCHOLARSHIPS

AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965

SEC. 801. (a) Part A of title IV of the Higher Education Act of 1965 (hereafter in this title referred to as "the Act") is amended by redesignating subpart 6 as subpart 7 and by inserting after subpart 5 the following new subpart:

"Subpart 6—Federal Merit Scholarships

"STATEMENT OF PURPOSE

"SEC. 419A. It is the purpose of this subpart to establish a Federal Merit Scholarship Program to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence. 20 USC 1070d-31.

"DEFINITION

20 USC 1070d-32.

"SEC. 419B. For the purpose of this subpart—

"(1) the term 'secondary school' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

20 USC 2854.

"(2) the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SCHOLARSHIPS AUTHORIZED

Grants.
20 USC 1070d-33.

"SEC. 419C. (a) The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who show promise of continued academic achievement.

"(b) Scholarships under this section shall be awarded for a period of one academic year for the first year of study at an institution of higher education.

"(c) A student awarded a scholarship under this subpart may attend any institution of higher education.

"ALLOCATION AMONG STATES

20 USC 1070d-34.

"SEC. 419D. From the sums appropriated pursuant to section 419K for any fiscal year, the Secretary shall allocate to each State having an agreement under section 419E—

"(1) $1,500 multiplied by the number of individuals in the State eligible for merit scholarships pursuant to section 419G(b), plus

"(2) $10,000, plus 5 percent of the amount to which a State is eligible under clause (1) of this section.

"AGREEMENTS

20 USC 1070d-35.

"SEC. 419E. The Secretary shall enter into an agreement with each State desiring to participate in the merit scholarship program authorized by this subpart. Each such agreement shall include provisions designed to assure that—

"(1) the State educational agency will administer the merit scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of Federal merit scholarships to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the merit scholarship program authorized by this subpart;

"(4) the State educational agency will pay to each individual in the State who is awarded a merit scholarship under this subpart $1,500 at an awards ceremony in accordance with section 419I; and

"(5) the State educational agency will use the amount of the allocation described in clause (2) of section 419D for administrative expenses, including the conduct of the awards ceremony required by section 419I.

"ELIGIBILITY OF MERIT SCHOLARS

20 USC 1070d-36.

"SEC. 419F. (a) Each student awarded a scholarship under this subpart shall be a graduate of a public or private secondary school or have the equivalent of a certificate of graduation as recognized by the State in which the student resides and must have been admitted for enrollment at an institution of higher education.

"(b) Each student awarded a scholarship under this subpart must demonstrate outstanding academic achievement and show promise of continued academic achievement.

"SELECTION OF MERIT SCHOLARS

20 USC 1070d-37.

"SEC. 419G. (a) The State educational agency is authorized to establish the criteria for the selection of merit scholars under this subpart.

"(b) The State educational agency shall adopt selection procedures which are designed to assure that ten individuals will be selected from among residents of each congressional district in a State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico not to exceed ten individuals will be selected in such district or Commonwealth).

"(c) In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, school boards, teachers, counselors, and parents.

"STIPENDS AND SCHOLARSHIP CONDITIONS

20 USC 1070d-38.

"SEC. 419H. (a) Each student awarded a merit scholarship under this subpart shall receive a stipend of $1,500 for the academic year of study for which the scholarship is awarded.

"(b) The State educational agency shall establish procedures to assure that a merit scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education.

"AWARDS CEREMONY

20 USC 1070d-39.

"SEC. 419I. (a) The State educational agency shall make arrangements to award merit scholarships under this subpart at a place in each State which is convenient to the individuals selected to receive such scholarships. To the extent possible, the award shall be made by Members of the Senate and Members of the House of Representatives (by the Delegate in the case of the District of Columbia and the Resident Commissioner in the case of the Commonwealth of Puerto Rico) who represent the State, Commonwealth, or District, as the case may be, from which the individuals come.

"(b) The selection process shall be completed, and the awards made prior to the end of each secondary academic year.

"CONSTRUCTION OF NEEDS PROVISIONS

20 USC 1070d-40.

"SEC. 419J. Nothing in this subpart, or any other Act, shall be construed to permit the receipt of a merit scholarship under this subpart to be counted for any needs test in connection with the awarding of any grant or the making of any loan under this Act or any other provision of Federal law relating to educational assistance.

"AUTHORIZATION OF APPROPRIATIONS

20 USC 1070d-41.

"SEC. 419K. There are authorized to be appropriated $8,000,000 for each of fiscal years 1986, 1987, and 1988 to carry out the provisions of this subpart.".

(b)(1) Section 419 of the Act is redesignated as section 420. 20 USC 1070e.

(2) Section 420 of the Act is redesignated as section 420A. 20 USC 1070e-1.

TITLE IX—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

Leadership in Educational Administration Development Act of 1984.

SHORT TITLE; PURPOSE

20 USC 4201.

SEC. 901. (a) This title may be cited as the "Leadership in Educational Administration Development Act of 1984".

(b) It is the purpose of this title to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by establishing technical assistance centers for each State to promote the development of the leadership skills of elementary and secondary school administrators with particular emphasis upon increasing access for minorities and women to administrative positions.

98 STAT. 2903

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

AUTHORIZATION OF APPROPRIATIONS

20 USC 4202.

SEC. 902. (a) There are authorized to be appropriated to carry out this title for fiscal year 1985 and each succeeding fiscal year ending prior to October 1, 1990, such sums as may be necessary but not to exceed $20,000,000 in any fiscal year.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall make available such amount, not less than $150,000 for each State, as may be necessary for establishing and operating a technical assistance center in each State.

TECHNICAL ASSISTANCE CENTERS

20 USC 4203.

SEC. 903. (a) The Secretary shall, subject to the availability of funds pursuant to section 902, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or nonprofit organizations (or consortium of such entities) for the establishment and operation of training centers in each State in accordance with the requirements of this section and section 904.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the State served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

98 STAT. 2904

(6) to maintain training curricula and materials on leadership skills drawing on expertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators,

for the purpose of promoting improved leadership skills of such administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would emphasize development of leadership skills identified by graduate schools of management and graduate schools of education.

GENERAL CRITERIA FOR CONTRACTS

SEC. 904. (a) The following criteria shall apply to each contract: 20 USC 4204.

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this title through (A) obtaining matching funds for such programs in cash or in kind at least equal in amount to the amount of funds provided under this title, (B) making inkind contributions to such programs, (C) demonstrating a commitment to continue to operate such programs after expiration of funding under this title, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract shall be for a term of three years. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this title reduced by one-half.

REGULATIONS

SEC. 905. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this title. 20 USC 4205.

DEFINITIONS

SEC. 906. For the purposes of this title— 20 USC 4206.

(1) the term "Secretary" means the Secretary of Education; 98 STAT. 2905

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965; 20 USC 1141.

(3) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(4) the term "local educational agency" has the meaning provided by section 595 of the Education Consolidation and Improvement Act of 1981; and 20 USC 3875.

(5) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.

TITLE X—NATIVE AMERICAN PROGRAMS

Native American Programs Act Amendments of 1984.

42 USC 2991 note.

SHORT TITLE

SEC. 1001. This title may be cited as the "Native American Programs Act Amendments of 1984".

DISTRIBUTION OF FINANCIAL ASSISTANCE

42 USC 2991b.

SEC. 1002. (a) Section 803(a) of the Native American Programs Act of 1974 is amended by adding at the end thereof the following: "Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this title is consistent with the priorities established by the agency which receives such assistance.".

(b) Section 803(c) of the Native American Programs Act of 1974 is amended—

(1) by inserting "(1)" after "(c)", and

(2) by adding at the end thereof the following new paragraph:

"(2) No project may be disapproved for assistance under this title solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.".

ADMINISTRATION OF PROGRAMS

42 USC 2992b.

SEC. 1003. Section 812 of the Native American Programs Act of 1974 is amended to read as follows:

"ADMINISTRATION; DELEGATION OF AUTHORITY

"SEC. 812. (a)(1) The general administration of the programs authorized by this Act shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

42 USC 2991b.

"(2) The Secretary shall continue to administer grants under section 803 through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

"(b)(1) Except as provided in subsection (a)(2), the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this title and may authorize the redelegation only within such Department of such functions, powers, and duties by the heads of such agencies.

42 USC 2991b.

"(2) Funds appropriated to carry out this title, other than section 803, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

"(c) Nothing in this section shall be construed to prohibit interagency funding agreements made between the Administration for Native Americans and other agencies of the Federal Government for the development and implementation of specific grants or projects.".

DEFINITIONS

42 USC 2992c.

SEC. 1004. Section 813 of the Native American Programs Act of 1974 is amended—

(1) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(2) by adding at the end thereof the following new paragraph:

"(4) 'Secretary' means the Secretary of Health and Human Services.".

EXPENDITURE OF AVAILABLE FUNDS

SEC. 1005. Section 814 of the Native American Programs Act of 1974 is amended—

42 USC 2992d.

(1) by striking out "1981" and inserting in lieu thereof "1986",

(2) by inserting "(a)" after "SEC. 814.", and

(3) by adding at the end thereof the following new subsection:

"(b) Not less than 90 per centum of the funds made available to carry out the provisions of this title for a fiscal year shall be expended to carry out section 803(a) for such fiscal year.".

Ante, p. 2905.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2565:

SENATE REPORT No. 98-484 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 4, considered and passed Senate.
Oct. 9, considered and passed House.

Public Law 98-604
98th Congress

98 STAT. 3161

An Act

To ensure the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program.

Oct. 30, 1984
[H.R. 6299]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in determining whether the base quarter ending on September 30, 1984, is a cost-of-living computation quarter for the purposes of the cost-of-living increases under sections 215(i) and 1617 of the Social Security Act, the phrase "is 3 percent or more" appearing in section 215(i)(1)(B) of such Act shall be deemed to read "is greater than zero" (and the phrase "exceeds, by not less than 3 per centum, such Index" appearing in section 215(i)(1)(B) of such Act as in effect in December 1978 shall be deemed to read "exceeds such Index").

Aged persons.
42 USC 415 note.

97 Stat. 73.
42 USC 415.
42 USC 1382f.

(b) For purposes of section 215(i) of such Act, the provisions of subsection (a) shall not constitute a "general benefit increase".

SEC. 2. The Office of the Actuary of the Social Security Administration shall conduct a study of improvements which might be made in the application and operation of the cost-of-living adjustment provisions in section 215(i) of the Social Security Act, giving particular attention to—

Study.

(1) the long-term effects of altogether eliminating the COLA trigger (the provision which requires that the CPI increase percentage (or the wage increase percentage) reach a specified level in order to trigger a cost-of-living adjustment in benefits);

(2) the long-term effects of reducing the level of the COLA trigger from 3 per centum to 1 per centum;

(3) long-term assumptions (explained in detail) concerning the frequency of instances in which the applicable increase percentage would be less than 3 per centum, the frequency of instances in which such percentage would be less than 1 per centum, and the frequency of deflationary periods in which there would be no increase in such percentage; and

(4) an analysis of the period currently being used to measure CPI and wage increases, and the long-term effects of changing such period so as to make it noncumulative or to use different calendar quarters.

98 STAT. 3162

Report.

The Office of the Actuary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on or before September 1, 1985, a full and complete report of the study conducted under this section.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 6299:

HOUSE REPORT No. 98-1099 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    Oct. 2, considered and passed House.
    Oct. 11, considered and passed Senate.

98 STAT. 3294

Public Law 98-617
98th Congress

An Act

Nov. 8, 1984
[H.R. 5386]

To amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care.

Aged Persons.
Health.
42 USC 1395f.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(i)(1) of the Social Security Act (42 U.S.C. 1395(i)(1)) is amended—

(1) by inserting "(A)" after "(i)(1)", and

(2) by adding at the end the following new subparagraphs:

"(B) Notwithstanding subparagraph (A), the rate of payment per day for routine home care furnished during fiscal year 1985 shall be $53.17.

Report.

"(C) With respect to care and services furnished on or after October 1, 1985, the Secretary shall, not less often than annually, review and make appropriate adjustments to the payment rate for routine home care and the payment rates for other services included in hospice care based on the costs that are reasonable and related to the costs of furnishing such care and services. The Secretary shall report to Congress on October 1 each year on such review and such adjustments and on the adequacy of the rates under this paragraph to ensure participation by an adequate number of hospice programs under this title.".

Effective date.
42 USC 1395f note.

(b) The amendments made by this Act shall apply to routine home care and other services included in hospice care furnished on or after October 1, 1984.

PUBLIC PENSION OFFSET PROVISIONS

97 Stat. 131.
42 USC 402 note.

SEC. 2. (a)(1) Section 337(b) of the Social Security Amendments of 1983 is amended by striking out "to individuals who initially become eligible" and all that follows and inserting in lieu thereof "for months after June 1983.".

Effective date.
42 USC 402 note.

(2) The amendments made by this subsection shall apply to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

42 USC 402 note.

(b)(1) Section 334(g)(1)(A) of the Social Security Amendments of 1977 is amended—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end thereof the following: ", or (ii) who would have been eligible for such a monthly periodic benefit (within the meaning of paragraph (2)) before the close of such 60-month period, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(2) Section 334(h)(1) of such Amendments (as amended by section 7 of Public Law 97-455) is amended—

(A) by inserting "(A)" after "(1)"; and

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(B) by inserting before the semicolon at the end thereof the following: ", or (B) who would have been eligible for such a monthly periodic benefit (within the meaning of subsection (g)(2)) before the close of June 1983, except for a requirement which postponed eligibility (as so defined) for such monthly periodic benefit until the month following the month in which all other requirements were met".

(3) The amendments made by this subsection shall apply with respect to benefits payable under title II of the Social Security Act for months beginning after the month of enactment of this Act.

Effective date.
42 USC 402 note.

TECHNICAL AMENDMENTS

SEC. 3. (a)(1) Section 2307(a)(1) of the Deficit Reduction Act of 1984 is amended by striking out "1842(b)(7)(A)" and inserting in lieu thereof "1842(b)(7)".

Ante, p. 1073.

(2) Section 2326(a) of the Deficit Reduction Act of 1984 is amended by striking out "1816(a)(1)" and inserting in lieu thereof "1816(a)".

Ante, p. 1087

(3) Section 2354(b)(1) of the Deficit Reduction Act of 1984 is amended by striking out "last sentence of sections 1814(a) and the last sentence of section 1835(a)" and inserting in lieu thereof "the third sentence of section 1814(a) and the fourth sentence of section 1835(a)".

Ante, p. 1100.

(4) Section 2354(b)(23) of the Deficit Reduction Act of 1984 is amended by striking out "1861(v)(1)(E)(ii)" and inserting in lieu thereof "1861(v)(1)(E)".

(5) Section 2354(c)(3)(B)(i) of the Deficit Reduction Act of 1984 is amended by inserting "under" before "section".

(6) Section 2363(b) of the Deficit Reduction Act of 1984 is amended by striking out "1903" and inserting in lieu thereof "1903(g)".

Ante, p. 1105.

(7) Section 2373(b) of the Deficit Reduction Act of 1984 is amended by striking out paragraph (6).

Ante, p. 1111.

(b)(1) Section 1814(k)(2) of the Social Security Act, as added by section 2321(a)(2) of the Deficit Reduction Act of 1984, is amended—

Ante, p. 1084.

(A) by inserting after "public home health agency" the following: ", or by another home health agency which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this paragraph),", and

(B) by inserting "80 percent of" before "the amount".

(2) Section 1833(a)(2)(A) of the Social Security Act is amended by inserting after "public provider of services" the following: ", or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this provision),".

42 USC 1395*l*.

(3) Section 1833(h)(5)(C) of the Social Security Act, as amended by section 2303(d) of the Deficit Reduction Act of 1984, is amended by inserting a comma after "1842(b)(6)(B)".

Ante, p. 1064.

(4) Section 1839(f)(2)(A) of the Social Security Act, as added by section 2302(b) of the Deficit Reduction Act of 1984, is amended—

Ante, p. 1063.

(A) by striking out "for that January after the deduction" and inserting in lieu thereof "for that December after the deduction"; and

(B) by striking out "for that November" and inserting in lieu thereof "for that December".

(5) Section 1842(b)(7)(A) of the Social Security Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended—

Ante, p. 1073.

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(A) in clause (ii), by striking out "the amount of the payment exceeds the reasonable charge for the services (with the customary charge determined consistent with subparagraph (B))" and inserting in lieu thereof "the payment is based upon a reasonable charge for the services in excess of the customary charge as determined in accordance with subparagraph (B)"; and

(B) by striking out the last sentence thereof.

(6) Section 1842(b)(7)(B) of such Act, as amended by section 2307 of the Deficit Reduction Act of 1984, is amended by adding at the end thereof the following new clause:

Ante, p. 1073.

Hospitals.

"(iii) If all the teaching physicians in a hospital agree to have payment made for all of their physicians' services under this part furnished to patients in such hospital on the basis of an assignment described in paragraph (3)(B)(ii) or under the procedure described in section 1870(f)(1), the customary charge for such services shall be equal to 90 percent of the prevailing charges paid for similar services in the same locality.".

(7) Section 1861(r)(3) of the Social Security Act, as amended by section 2341 of the Deficit Reduction Act of 1984, is amended by striking out "under subsections (k) and (m) and sections 1814(a) and 1835" and inserting in lieu thereof "under subsections (k), (m), and (p)(1) of this section and sections 1814(a), 1832(a)(2)(F)(ii), and 1835".

Ante, p. 1094.

(8) Paragraph (11) of section 1881(b) of the Social Security Act, added by section 2323(c) of the Deficit Reduction Act of 1984, is amended by aligning its left margin flush so as to align its left margin with that of paragraph (10).

Ante, p. 1086.

(9) Section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 2311(a) of the Deficit Reduction Act of 1984, is amended by striking out "30 days after the date of the enactment of this Act" and inserting in lieu thereof "August 17, 1984".

Ante, p. 1076.

(10) Section 1902(a)(26) of the Social Security Act, as amended by section 2368(b) of the Deficit Reduction Act of 1984, is amended by indenting subparagraph (C) two additional ems to the right so as to align its left margin with the left margin of subparagraph (A) of that section.

Ante, p. 1109.

Effective date.

(c) The amendments made by this section shall be effective as if they had been originally included in the Deficit Reduction Act of 1984.

Ante, p. 494.

FOSTER CARE PROVISIONS

42 USC 674.

SEC. 4. (a) Section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985";

(2) in paragraph (2)(A)—

(A) by striking out "and" at the end of clause (iii),

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; and", and

(C) by adding after clause (iv) the following new clause: "(v) with respect to fiscal year 1985, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000."; and

(3) in paragraph (5)(A)—

(A) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985", and

98 STAT. 3297

(B) by striking out "fiscal year 1984" in clause (ii) and inserting in lieu thereof "each of fiscal years 1984 and 1985".

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out "1981 through 1984" and inserting in lieu thereof "1981 through 1985". 42 USC 674.

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985". 97 Stat. 803. 42 USC 672 Note.

(2) Section 102(c) of such Act is amended by striking out "October 1, 1984" each place it appears and inserting in lieu thereof "October 1, 1985". 97 Stat. 803. 42 USC 672 Note.

Approved November 8, 1984.

LEGISLATIVE HISTORY—H.R. 5386:

HOUSE REPORT No. 98-1100 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Oct. 1, considered and passed House.
  Oct. 11, considered and passed Senate, amended; House concurred in Senate amendments.

LEGISLATIVE BRANCH ACTS

Public Law 98-340
98th Congress

An Act

To direct the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, to direct the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and to direct the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property.

July 3, 1984
[H.R. 5565]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public buildings and grounds.
Contracts, U.S.
40 USC 215 note.

SECTION 1. (a) Within sixty days after the enactment of this Act, the Architect of the Capitol under the direction of the Joint Committee on the Library (hereinafter referred to as the "Architect") and the District of Columbia government (hereinafter referred to as the "District") shall enter into an agreement consistent with the provisions of this Act.

(b) Such agreement shall include the following provisions:

Botanic Garden Greenhouse and Nursery, Poplar Point.

(1) The Architect and the District shall determine a site of not less than twenty-five contiguous acres under the jurisdiction of the District upon which the facilities existing on the date of enactment of this Act which are operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery described in section 3(a) shall be relocated.

(2) The District shall convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in any real property determined pursuant to paragraph (1) as the replacement site.

Lanham Tree Nursery.

(3) The District shall convey without consideration to the Secretary of the Interior (hereinafter referred to as the "Secretary") on behalf of the United States all right, title, and interest of the District in the real property described in section 3(b), known as the Lanham Tree Nursery.

40 USC 215 note.

SEC. 2. (a) Within sixty days of the enactment of this Act the real property described in section 3(a), known as the Botanic Garden Greenhouse and Nursery at Poplar Point, shall come within the jurisdiction of the Secretary: *Provided,* That the Architect shall retain the right to continue the current use of the property until the replacement facilities of the Architect are completed.

(b) Within sixty days after the Secretary assumes jurisdiction for such real property under subsection (a), the Secretary shall enter into an agreement with the District and the Washington Metropolitan Area Transit Authority under which the District and the Washington Metropolitan Area Transit Authority will be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

Land use plan.

(c) Upon the Secretary assuming jurisdiction for such real property under subsection (a), the Secretary and the District shall develop a land use plan for such portions of any real property described in section 3 as the Secretary and the District jointly determine will not be necessary for transportation improvement purposes when green line service is extended to its ultimate terminus in Prince George's County.

(d) On the date of conveyance of such real property as described in section 1(b)(2), the United States Capitol Police shall have such jurisdiction over such real property as is provided under section 1826 of the Revised Statutes (40 U.S.C. 215).

(e) The Architect shall, not later than ten days after the enactment of this Act, provide to the Washington Metropolitan Area Transit Authority access to the real property described in section 3(a) for the purpose of conducting any and all necessary surveys, studies, evaluations, and tests, as determined by the Washington Metropolitan Area Transit Authority, and for the purposes of construction of the rail line tunnel in the area beginning at a point on the east line of the parcel, the point of beginning having Metro project coordinates north 376,664.236 and east 801,187.843, thence leaving said line and through said parcel the following seven courses:

(1) South 76 degrees 32 minutes 04.2 seconds west, 294.52 feet; thence

(2) south 16 degrees 25 minutes 29.4 seconds east, 9.80 feet; thence

(3) south 73 degrees 34 minutes 30.2 seconds west, 86.57 feet; thence

(4) north 16 degrees 24 minutes 31.2 seconds west, 9.80 feet; thence

(5) south 73 degrees 34 minutes 20.8 seconds west, 31.39 feet; thence

(6) south 0 degrees 01 minutes 36.3 seconds east, 109.22 feet; thence

(7) north 90 degrees 0 minutes 0 seconds west, 420.76 feet to a point on the west line of said parcel; thence along said line

(8) north 0 degrees 01 minutes 35.8 seconds west, 577.12 feet to the northwest corner of said parcel; thence along the northerly line of said parcel

(9) south 72 degrees 01 minutes 48.6 seconds east, 862.55 feet to the northeast corner of said parcel; thence along the east line of said parcel

(10) south 0 degrees 02 minutes 22.5 seconds east, 99.85 feet to the point of beginning, containing 300,235 square feet or 6.892 acres.

(f) When the facilities of the Architect have been relocated, pursuant to section 1, the Secretary shall provide the Washington Metropolitan Area Transit Authority right of access to construct, maintain, and operate all other transportation facilities described in section 3(a) designed to improve transportation in the Washington metropolitan area.

40 USC 215 note.

SEC. 3. (a) The real property referred to in section 1(b)(1) known as the Botanic Garden Greenhouse and Nursery which is in Anacostia Park is comprised of the following parcels of property:

(1) A parcel of approximately fourteen and seventy-five one-hundredths acres that was transferred from the Director of Public Buildings and Public Parks of the National Capital to the jurisdiction of the United States Botanic Garden for use as a tree nursery pursuant to the Act of June 26, 1926 (44 Stat. 774).

(2) A parcel of approximately seven and eighty-three one-hundredths acres that was acquired by the United States Botanic Garden from the Secretary in 1935 in exchange for certain other property under the provisions of the Act of May 20, 1932 (47 Stat. 161).

98 STAT. 310

40 USC 122.

(3) A parcel of approximately two and eight one-hundredths acres that is occupied by the Architect pursuant to a special use permit issued by the Secretary on March 10, 1977, to the chairman of the Joint Committee on the Library.

(b) The real property referred to in section 1(b)(3) known as the Lanham Tree Nursery which is in Anacostia Park consists of a parcel of approximately thirty-four and five-tenths acres that was transferred from the Director of Public Buildings and Public Parks of the National Capital to the jurisdiction of the District for use as a tree nursery.

Approved July 3, 1984.

LEGISLATIVE HISTORY—H.R. 5565:

HOUSE REPORT No. 98-810, Pt. 1 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 11, considered and passed House.
June 21, considered and passed Senate.

Public Law 98-427
98th Congress

98 STAT. 1656

An Act

To authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes.

Sept. 28, 1984
[S. 2418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed, subject to the supervision and construction authority of a Federal civilian or military agency, to construct the Library of Congress Mass Book Deacidification Facility in accordance with the general design developed by the Library of Congress and reviewed by the Architect of the Capitol, as set forth in the document entitled "Library of Congress Mass Book Deacidification Facility, Engineering, Design, and Cost Estimate and Drawings", dated December 1983. Such facility shall be constructed on Federal property within seventy-five miles of the United States Capitol Building.

Public buildings and grounds.
2 USC 176 note.

Sec. 2. Notwithstanding any other provision of law, the Librarian of Congress shall equip, furnish, operate, and maintain the Library of Congress Mass Book Deacidification Facility.

2 USC 176.

Sec. 3. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, sums not to exceed $11,500,000 to carry out the provisions of this Act.

Appropriation authorization.
2 USC 176 note.

Approved September 28, 1984.

LEGISLATIVE HISTORY—S. 2418 (H.R. 5607):

HOUSE REPORT No. 98-938 accompanying H.R. 5607 (Comm. on Public Works and Transportation).
SENATE REPORT No. 98-429 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 130 (1984):
May 18, considered and passed Senate.
Sept. 11, H.R. 5607 considered and passed House; S. 2418, amended, passed in lieu.
Sept. 17, Senate concurred in House amendment.

PUBLIC WORKS ACTS

Public Law 98-243
98th Congress

98 STAT. 106

An Act

To modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes.

Mar. 26, 1984
[S. 912]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Richard B. Russell Dam and Lake project, authorized by the Flood Control Act of 1966 (80 Stat. 1420), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide such power to the city of Abbeville, South Carolina, as the Secretary determines to be necessary to mitigate the reduction in hydroelectric power produced at the city-owned hydroelectric plant at Lake Secession caused by the construction and operation of the project. Such power shall be provided to the city for a period not to exceed the remaining service life of the city-owned hydroelectric plant as part of the operational requirements and costs of the project under such terms and conditions as the Secretary, in consultation with the Secretary of Energy, determines to be appropriate. The Secretary of Energy is authorized to provide assistance in the delivery of such power.

Energy.
Abbeville, S.C.
80 Stat. 1418.

SEC. 2. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

Rivers and harbors.
Eastport, Maine.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

Approved March 26, 1984.

LEGISLATIVE HISTORY—S. 912:

SENATE REPORT No. 98-306 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 16, considered and passed Senate.
Vol. 130 (1984): Mar. 13, considered and passed House.

Public Law 98-404
98th Congress

98 STAT. 1481

An Act

To amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

Aug. 28, 1984
[H.R. 1652]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Safety of Dams Act Amendments of 1984" and that the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471, 43 U.S.C. 506, et seq.) is amended as follows:

The Reclamation Safety of Dams Act Amendments of 1984.

43 USC 506 note.
43 USC 508.
43 USC 506 note.

(1) In subsection 4(b), strike "Costs" and insert the following in lieu thereof: "With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs".

(2) After section 4(b), add the following new subsections:

Supra.

"(c) With respect to the additional $650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, costs incurred in the modification of structures under this Act, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes, shall be reimbursed to the extent provided in this subsection.

"(1) Fifteen percent of such costs shall be allocated to the authorized purposes of the structure, except that in the case of Jackson Lake Dam, Minidoka Project, Idaho-Wyoming, such costs shall be allocated in accordance with the allocation of operation and maintenance charges.

43 USC 506 note.

"(2) Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within 50 years of the year in which the work undertaken pursuant to this Act is substantially complete. Costs allocated to irrigation water service which are beyond the water users' ability to pay shall be reimbursed in accordance with existing law.

16 USC 460*l*-12 note.

"(3) Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"(4) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable under the Federal Water Project Recreation Act, shall be repaid within 50 years with interest. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period during the month preceding the fiscal year in which the costs are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

98 STAT. 1482

Contracts with U.S.
43 USC 506 note.
43 USC 390 cc.
43 USC 509.

"(d) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this Act: *Provided, however,* That no contract entered into pursuant to this Act shall be deemed to be a new or amended contract for the purposes of section 203(a) of Public Law 97-293.".

(3) In the first sentence of section 5 strike the comma and all that follows through "*Provided,* That no funds" and insert in lieu thereof: "and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this Act to remain available until expended if so provided by the appropriations Act: *Provided,* That no funds exceeding $750,000".

(4) After section 11, insert the following new sections 12 and 13:

43 USC 506 note.

"SEC. 12. Included within the scope of this Act are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and Warm Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act.

"Sec. 13. The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, and Foss Dam, Oklahoma, shall be nonreimbursable and nonreturnable under Federal reclamation law.".

Approved August 28, 1984.

LEGISLATIVE HISTORY—H.R. 1652 (S. 672) (S. Res. 234).

HOUSE REPORT No. 98-168 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-258 accompanying S. 672 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 20, considered and passed House.
Aug. 9, considered and passed Senate, amended.
Aug. 10, House concurred in Senate amendments.

Public Law 98-501
98th Congress

98 STAT. 2320

An Act

To establish a National Council on Public Works Improvement to prepare three annual reports on the state of the Nation's infrastructure, to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, and for other purposes.

Oct. 19, 1984
[S. 1330]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL COUNCIL ON PUBLIC WORKS IMPROVEMENT

Public Works Improvement Act of 1984.

SHORT TITLE

Sec. 101. This title may be cited as the "Public Works Improvement Act of 1984".

42 USC 3121 note.

ESTABLISHMENT

Sec. 102. There is established a council to be known as the National Council on Public Works Improvement (hereinafter in this title referred to as the "Council").

42 USC 3121 note.

DUTIES

Sec. 103. (a)(1) Not later than February 15, 1986, February 15, 1987, and February 15, 1988, the Council shall prepare and submit to the President and the Congress a report on the state of the Nation's infrastructure (hereinafter in this title referred to as the "Infrastructure Report"). Each Infrastructure Report shall include, but not be limited to, an analysis of each of the following:

Report.
42 USC 3121 note.

(A) the age and condition of public works improvements and changes in their condition from preceding years;

(B) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of public works improvements, including but not limited to general obligation and revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment;

(C) any trends in methods used to finance such construction, acquisition, rehabilitation, and maintenance;

(D) the capacity of public works improvements to sustain current and anticipated economic development and to support a sustained and expanding economy;

98 STAT. 2321

(E) maintenance needs and projected expenditures for public works improvements.

(2) In addition, each Infrastructure Report—

(A) shall include a discussion of infrastructure program priorities (including alternative methods of meeting national infrastructure needs to effectuate balanced growth and economic development); and

(B) to the extent practicable, shall provide, for other public works facilities owned or operated by the Federal Government, any State or local government, or any public agency or authority organized pursuant to State or local law, an analysis similar to the analysis provided under paragraph (1) for public works improvements.

(b) Not later than September 30, 1985, the Council shall—

(1) analyze criteria and procedures used by Federal agencies, States, and units of local government in inventorying existing and needed public works improvements and assessing the condition of public works improvements and develop and publish uniform criteria and procedures which may be used for conducting such inventories and assessments; and

(2) develop and recommend to the President and the Congress proposed guidelines for the uniform reporting by Federal agencies of construction, acquisition, rehabilitation, and maintenance data with respect to public works improvements.

(c) The Council shall convene its first meeting no earlier than February 15, 1985, and no later than April 15, 1985.

(d) In carrying out its duties under this section, the Council shall use existing data and sampling techniques to the maximum extent feasible. When developing new data under this title, the Council shall make every effort to assure that such data is developed in consultation with the States so that uniform methods, categories, and analyses are used.

(e) Each Infrastructure Report, when submitted to the Congress, shall be referred to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

MEMBERSHIP

42 USC 3121 note.

SEC. 104. (a) The Council shall be composed of five members—

(1) three of whom shall be appointed by the President;

(2) one of whom shall be appointed by the Speaker of the House of Representatives; and

(3) one of whom shall be appointed by the President pro tempore of the Senate;

from among persons knowledgeable and experienced in one or more of the following: public administration, planning, architecture, civil engineering, and public investment financing.

(b) A vacancy in the Council shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(c) Four members of the Council shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(d) The Chairman of the Council shall be elected by the members of the Council.

(e) The Council shall meet at the call of the Chairman or a majority of its members.

(f) Members of the Council shall be appointed for the life of the Council.

(g) Members of the Council shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5, United States Code.

DIRECTOR AND STAFF

SEC. 105. (a) The Council shall have a director who shall be appointed by the Council and shall be paid at a rate not to exceed the rate of basic pay payable to level V of the Executive Schedule.

42 USC 3121 note.

(b) The Council may appoint and fix the pay of such additional personnel as the Council considers appropriate.

(c) The director and staff of the Council may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be made without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employee subject to the civil service laws and regulations who may be employed by the Council shall retain civil service status without interruption or loss of status or privilege. In no event shall any employee of the Council other than the staff director receive as compensation an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

5 USC 5101 *et seq.*, 5331.

5 USC 5332 note.

POWERS OF THE COUNCIL

SEC. 106. (a) Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

42 USC 3121 note.

(b) Upon request of the Council, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Council and its staff as may be necessary for the Council to carry out its duties under this title.

(c) The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Council, the head of such department or agency shall furnish such information to the Council.

(d) The Council or any member authorized by the Council may, for the purpose of carrying out this title, hold such hearings, sit and act at such time and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Council or such member may deem advisable to carry out this title. Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council or before such member.

Contracts with U.S.

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ADVISORY GROUP

SEC. 107. (a) There is established an advisory group to provide such assistance and advice as the Council may request. Such group shall be composed of 12 members as follows:

Establishment. 42 USC 3121 note.

(1) the Secretary of the Army, who shall be the Chairman of such group;

(2) the Secretary of Agriculture;

(3) the Secretary of Housing and Urban Development;

(4) the Secretary of Transportation;

(5) the Administrator of the Environmental Protection Agency;

(6) the Secretary of Commerce;

(7) the Chairman of the National Governors Association;

(8) the President of the National Conference of State Legislatures;

(9) the President of the National Association of Counties;

(10) the President of the National Association of Regional Councils;

(11) the President of the National League of Cities; and

(12) the President of the United States Conference of Mayors.

(b) The members of the advisory group shall serve without pay.

Termination.

(c) The advisory group shall cease to exist on April 15, 1988.

CONGRESSIONAL BUDGET OFFICE REVIEW

Report.
42 USC 3121 note.

SEC. 108. Not later than 90 days after the date on which each Infrastructure Report is submitted to the Congress by the Council, the Congressional Budget Office shall review such report and shall submit a report on the results of such review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

TERMINATION

42 USC 3121 note.

SEC. 109. The Council shall cease to exist on April 15, 1988.

FUNDING

42 USC 3121 note.

SEC. 110. (a) From funds otherwise appropriated to the Secretary of the Army for purposes of civil works, the Secretary shall transfer to the Council in the fiscal year ending September 30, 1985, such amounts as the Council may request but not to exceed $3,200,000.

Appropriation authorization.

(b) There is authorized to be appropriated to the Council to carry out the provisions of this title $3,500,000 per fiscal year for each of the fiscal years ending September 30, 1986, and September 30, 1987, and $2,000,000 for the fiscal year ending September 30, 1988.

DEFINITIONS

42 USC 3121 note.

SEC. 111. For purposes of this title, the term—

(1) "acquisition" includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation;

(2) "construction" includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

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(3) "public works improvements" means the following publicly owned civilian facilities: highways; streets; bridges; mass transportation facilities and equipment; resource recovery facilities; airports; airway facilities; water supply and distribution systems; wastewater collection, treatment, and related facilities; dams; federally owned buildings; docks and ports; waterways; and such other public facilities as the Council determines are critical for national economic development;

(4) "maintenance" means regularly scheduled activities, including routine repairs, intended to keep a facility operating efficiently; and

(5) "rehabilitation" includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.

TITLE II—FEDERAL CAPITAL INVESTMENT PROGRAM

Federal Capital Investment Program Information Act of 1984.

SHORT TITLE

31 USC 1101 note.

SEC. 201. This title may be cited as the "Federal Capital Investment Program Information Act of 1984".

PURPOSES

31 USC 1105 note.

SEC. 202. The purposes of this title are—

(1) to provide budget projections for major Federal capital investment programs;

(2) to provide a summary of the most recent needs assessment analyses for these programs;

(3) to provide information on the sensitivity of the needs estimates to major policy issues and technical and economic variables;

(4) to assist the planning capabilities of State and local governments on the assessment of major capital investment programs; and

(5) to improve legislative oversight over Federal capital investment programs.

FEDERAL CAPITAL INVESTMENT PROGRAM REPORT

SEC. 203. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

"(A) an estimate of the current service levels of public civilian capital investment and of military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

"(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

"(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

"(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

"(i) economic assumptions;

"(ii) engineering standards;

"(iii) estimates of spending for operation and maintenance;

"(iv) estimates of expenditures for similar investments by State and local governments; and

"(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

"(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

"(A) roadways or bridges,
"(B) airports or airway facilities,
"(C) mass transportation systems,
"(D) wastewater treatment or related facilities,
"(E) water resources projects,
"(F) hospitals,
"(G) resource recovery facilities,
"(H) public buildings,
"(I) space or communications facilities,
"(J) railroads, and
"(K) federally assisted housing.

Defense and national security.

"(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

"(4) Criteria and guidelines for use in the identification of public civilian and military capital investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis submitted under this subsection shall be accompanied by an explanation of such criteria and guidelines.

"(5) For purposes of this subsection—

"(A) the term 'construction' includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

"(B) the term 'acquisition' includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

"(C) the term 'rehabilitation' includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.".

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 1330 (H.R. 1244):

HOUSE REPORTS: No. 98-153 accompanying H.R. 1244, Pt. 1 (Comm. on Public Works and Transportation) and Pt. 2 (Comm. on Government Operations), and No. 98-1134 (Comm. of Conference).
SENATE REPORT No. 98-341 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Feb. 9, considered and passed Senate.
May 15, H.R. 1244 considered and passed House; S. 1330, amended, passed in lieu.
Oct. 4, House agreed to conference report.
Oct. 5, Senate agreed to conference report.

Public Law 98-259
98th Congress

98 STAT. 142

An Act

To amend the Internal Revenue Code of 1954 to exempt from Federal income taxes certain military and civilian employees of the United States dying as a result of injuries sustained overseas.

Apr. 10, 1984
[H.R. 4206]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCOME TAXES OF CERTAIN MILITARY AND CIVILIAN EMPLOYEES OF THE UNITED STATES DYING AS A RESULT OF INJURIES SUSTAINED OVERSEAS.

(a) General Rule.—Section 692 of the Internal Revenue Code of 1954 (relating to income taxes of members of the Armed Forces on death) is amended by adding at the end thereof the following new subsection:

26 USC 692.

"(c) Certain Military or Civilian Employees of the United States Dying as a Result of Injuries Sustained Overseas.—

"(1) In general.—In the case of any individual who dies while a military or civilian employee of the United States, if such death occurs as a result of wounds or injury incurred outside the United States in a terroristic or military action, any tax imposed by this subtitle shall not apply—

"(A) with respect to the taxable year in which falls the date of his death, and

"(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

"(2) Terroristic or military action.—For purposes of paragraph (1), the term 'terroristic or military action' means—

"(A) any terroristic activity directed against the United States or any of its allies, and

"(B) any military action involving the Armed Forces of the United States and resulting from violence or aggression against the United States or any of its allies (or threat thereof).

For purposes of the preceding sentence, the term 'military action' does not include training exercises.

"(3) Treatment of multinational forces.—For purposes of paragraph (2), any multinational force in which the United States is participating shall be treated as an ally of the United States.".

98 STAT. 143

(b) Effective Date.—

26 USC 692 note.

(1) In general.—The amendment made by subsection (a) shall apply with respect to all taxable years (whether beginning before, on, or after the date of enactment of this Act) of individuals dying after December 31, 1979, as a result of wounds or injuries incurred after such date.

(2) Statute of limitations waived.—Notwithstanding section 6511 of the Internal Revenue Code of 1954, the time for filing a claim for credit or refund of any overpayment of tax

26 USC 6511.

resulting from the amendment made by subsection (a) shall not expire before the date 1 year after the date of the enactment of this Act.

Approved April 10, 1984.

LEGISLATIVE HISTORY—H.R. 4206:

SENATE REPORT No. 98-364 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Feb. 22, considered and passed House.
Apr. 5, considered and passed Senate.

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98 STAT. 217

Public Law 98-302
98th Congress

An Act

May 25, 1984
[H.R. 5692]

To provide for a temporary increase in the public debt limit, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

31 USC 3101.

Effective upon enactment, the applicable public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be permanently increased by $30,000,000,000.

SEC. 2. INCREASE IN LIMIT ON LONG-TERM BONDS.

Subsection (a) of section 3102 of title 31, United States Code, is amended by striking out "$150,000,000,000" and inserting in lieu thereof "$200,000,000,000".

SEC. 3. AUTHORITY TO OBTAIN CERTAIN SERVICES AND FACILITIES AND INCUR CERTAIN ADMINISTRATIVE EXPENDITURES.

(a) General Rule.—Subchapter II of chapter 3 of title 31, United States Code, is amended by adding at the end thereof the following new section:

31 USC 332.

"§ 332. Miscellaneous administrative authority

"The Secretary of the Treasury may to the extent provided in advance by appropriation Acts—

"(1) contract for the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the per diem equivalent to the rate for GS-18;

"(2) contract with and reimburse the Department of State for health and medical services for employees of the Department of the Treasury and their dependents serving in foreign countries;

"(3) provide for official functions, and reception and representation activities;

"(4) maintain, repair, and clean uniforms furnished by the Department of the Treasury to uniformed employees;

"(5) provide athletic and related activities for students at the Federal Law Enforcement Training Center, Glynco, Georgia;

"(6) install and maintain fencing, lighting, guard booths, and other facilities as necessary for the performance of protective functions of the Department of the Treasury on property not owned by or under jurisdiction and control of the United States Government and, subsequently, to remove the facilities therefrom;

"(7) enter into reciprocal assistance agreements with State and local law enforcement agencies and, in connection with the agreements and otherwise, train employees of those agencies, when necessary, with or without reimbursement;

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"(8) provide laboratory assistance to State and local law enforcement agencies, with or without reimbursement;

"(9) obtain insurance for official motor vehicles operated in foreign countries; and

"(10)(A) when necessary for the performance of official business—

"(i) acquire in foreign countries real property by lease for periods not greater than 10 years and personal property for use in foreign countries by purchase, lease, or otherwise, and

"(ii) manage, maintain, repair, improve, and insure by purchase of commercial insurance policies properties referred to in clause (i), and

"(B) when appropriate, dispose of (by sale, rent, transfer, or otherwise) properties referred to in subparagraph (A)(i)."

(b) Clerical Amendment.—The analysis for subchapter II of chapter 3 of such title 31 is amended by adding at the end thereof the following new item:

"332. Miscellaneous administrative authority."

Approved May 25, 1984.

LEGISLATIVE HISTORY—H.R. 5692:

CONGRESSIONAL RECORD, Vol. 130 (1984):
May 24, considered and passed House; considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 98-342
98th Congress

98 STAT. 313

An Act

To increase the statutory limit on the public debt.

July 6, 1984
[H.R. 5953]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

(a) General Rule.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out "may not be more" and all that follows down through "outstanding at one time" and insert in lieu thereof "may not be more than $1,573,000,000,000 outstanding at one time".

Ante, p. 217.

(b) Technical Amendment.—Effective on and after the date of the enactment of this Act, section 1 of Public Law 98-302 is hereby repealed.

Repeal.
31 USC 3101 note.
Ante, p. 217.

Approved July 6, 1984.

LEGISLATIVE HISTORY—H.R. 5953:

HOUSE REPORT: No. 98-878 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 29, considered and passed House and Senate.

98 STAT. 2206

Public Law 98–475
98th Congress

Joint Resolution

Oct. 13, 1984
[H.J. Res. 654]

Increasing the statutory limit on the public debt.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$1,575,700,000,000, or $1,823,800,000,000 on and after October 1, 1984,".

Approved October 13, 1984.

LEGISLATIVE HISTORY—H.J. Res. 654:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct 1, considered and passed House.
Oct. 5, 9–12, considered and passed Senate.

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98 STAT. 3176

Public Law 98–611
98th Congress

An Act

Oct. 31, 1984
[H.R. 2568]

To amend the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS RELATING TO EDUCATIONAL ASSISTANCE PROGRAMS.

26 USC 127.

(a) 2-Year Extension of Exclusion From Gross Income.—Subsection (d) of section 127 of the Internal Revenue Code of 1954 (relating to educational assistance programs) is amended by striking out "December 31, 1983" and inserting in lieu thereof "December 31, 1985".

(b) Annual Exclusion Limited to $5,000.—Subsection (a) of section 127 of such Code is amended to read as follows:

"(a) Exclusion From Gross Income.—

"(1) In general.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for educational assistance to the employee if the assistance is furnished pursuant to a program which is described in subsection (b).

"(2) $5,000 maximum exclusion.—If, but for this paragraph, this section would exclude from gross income more than $5,000 of educational assistance furnished to an individual during a calendar year, this section shall apply only to the first $5,000 of such assistance so furnished."

(c) Special Rule for Certain Graduate Students.—Subsection (c) of section 127 of such Code is amended by adding at the end thereof the following paragraph:

Ante, p. 887.

"(8) Coordination with section 117(d).—In the case of the education of an individual who is a graduate student at an educational organization described in section 170(b)(1)(A)(ii) and who is engaged in teaching or research activities for such organization, section 117(d)(2) shall be applied as if it did not contain the phrase '(below the graduate level)'."

(d) Reporting and Recordkeeping Requirements.—

(1) In general.—Subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6039C the following new section:

"SEC. 6039D. RETURNS AND RECORDS WITH RESPECT TO CERTAIN FRINGE BENEFIT PLANS. 26 USC 6039D.

"(a) In General.—Every employer maintaining a specified fringe benefit plan during any year beginning after December 31, 1984, for any portion of which the applicable exclusion applies, shall file a return (at such time and in such manner as the Secretary shall by regulations prescribe) with respect to such plan showing for such year—

98 STAT. 3177

"(1) the number of employees of the employer,

"(2) the number of employees of the employer eligible to participate under the plan,

"(3) the number of employees participating under the plan,

"(4) the total cost of the plan during the year, and

"(5) the name, address, and taxpayer identification number of the employer and the type of business in which the employer is engaged.

"(b) Recordkeeping Requirement.—Each employer maintaining a specified fringe benefit plan during any year shall keep such records as may be necessary for purposes of determining whether the requirements of the applicable exclusion are met.

"(c) Additional Information When Required by the Secretary.—Any employer—

"(1) who maintains a specified fringe benefit plan during any year for which a return is required under subsection (a), and

"(2) who is required by the Secretary to file an additional return for such year,

shall file such additional return. Such additional return shall be filed at such time and in such manner as the Secretary shall prescribe and shall contain such information as the Secretary shall prescribe.

"(d) Definitions.—For purposes of this section—

"(1) Specified fringe benefit plan.—The term 'specified fringe benefit plan' means—

"(A) any cafeteria plan (as defined in section 125), and

"(B) any educational assistance program (as defined in section 127).

"(2) Applicable exclusion.—The term 'applicable exclusion' means—

"(A) section 125, in the case of a cafeteria plan, and

"(B) section 127, in the case of an educational assistance program."

(2) Penalty.—Subsection (f) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "125(h) (relating to information with respect to cafeteria plans)" and inserting in lieu thereof "6039D (relating to returns and records with respect to certain fringe benefit plans)". *Ante*, p. 882.

(3) Conforming amendments.—

(A) Section 125 of such Code (relating to cafeteria plans) is amended by striking out subsection (h) and inserting in lieu thereof the following: *Ante*, p. 882.

"(h) Cross Reference.—

"For reporting and recordkeeping requirements, see section 6039D."

(B) Section 127 of such Code is amended by adding at the end thereof the following new subsection: 26 USC 127.

"(e) Cross Reference.—

98 STAT. 3178

"For reporting and recordkeeping requirements, see section 6039D."

(4) Clerical amendment.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is

amended by inserting after the item relating to section 6039C the following new item:

"Sec. 6039D. Returns and records with respect to certain fringe benefit plans."

26 USC 127.

(e) CLARIFICATION OF DISALLOWANCE OF CREDIT OR DEDUCTION.—Paragraph (7) of section 127(c) of such Code (relating to definitions; special rules) is amended by inserting "to the employee" after "allowed".

Ante, p. 884.

(f) EXCLUSION FROM RAILROAD RETIREMENT TAXES OF AMOUNTS WHICH MAY BE EXCLUDED UNDER SECTION 127.—Subsection (e) of section 3231 of such Code (defining compensation for purposes of the railroad retirement taxes) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'compensation' shall not include any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127."

26 USC 127 note.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1983.

(2) SUBSECTION (d).—The amendments made by subsection (d) shall take effect on January 1, 1985.

(3) SUBSECTION (f).—The amendment made by subsection (f) shall apply to remuneration paid after December 31, 1984.

26 USC 3101.

Ante, p. 3176.

(4) NO PENALTIES OR INTEREST ON FAILURE TO WITHHOLD.—No penalty or interest shall be imposed on any failure to withhold under subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes) with respect to amounts excluded from gross income under section 127 of such Code (as amended by this section and determined without regard to subsection (a)(2) thereof) with respect to periods during 1984.

Ante, p. 3176.
Ante, p. 887.

(5) COORDINATION WITH SECTION 117(d).—In the case of education described in section 127(c)(8) of the Internal Revenue Code of 1954, as added by this section, section 117(d) of such Code shall be treated as in effect on and after January 1, 1984.

(h) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a study of the effect of the provisions of section 127 of the Internal Revenue Code of 1954.

98 STAT. 3179

(2) REPORT.—Not later than October 1, 1985, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the study conducted under paragraph (1) (together with such recommendations as he may deem advisable).

Approved October 31, 1984.

LEGISLATIVE HISTORY—H.R. 2568:

HOUSE REPORT No. 98-1049 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 1, considered and passed House.
Oct. 11, considered and passed Senate.

Public Law 98-612
98th Congress

98 STAT. 3180

An Act

Oct. 31, 1984
[H.R. 5361]

To amend the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS RELATING TO QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) 1-Year Extension of Exclusion From Gross Income.—Subsection (e) of section 120 of the Internal Revenue Code of 1954 (relating to amounts received under qualified group legal services plans) is amended by striking out "December 31, 1984" and inserting in lieu thereof "December 31, 1985".

(b) Reporting and Recordkeeping Requirements.—

(1) In general.—Subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6039C the following new section:

"SEC. 6039D. RETURNS AND RECORDS WITH RESPECT TO CERTAIN FRINGE BENEFIT PLANS.

26 USC 6039D.

"(a) In General.—Every employer maintaining a specified fringe benefit plan during any year beginning after December 31, 1984, for any portion of which the applicable exclusion applies, shall file a return (at such time and in such manner as the Secretary shall by regulations prescribe) with respect to such plan showing for such year—

"(1) the number of employees of the employer,

"(2) the number of employees of the employer eligible to participate under the plan,

"(3) the number of employees participating under the plan,

"(4) the total cost of the plan during the year, and

"(5) the name, address, and taxpayer identification number of the employer and the type of business in which the employer is engaged.

"(b) Recordkeeping Requirement.—Each employer maintaining a specified fringe benefit plan during any year shall keep such records as may be necessary for purposes of determining whether the requirements of the applicable exclusion are met.

"(c) Additional Information When Required by the Secretary.—Any employer—

"(1) who maintains a specified fringe benefit plan during any year for which a return is required under subsection (a), and

"(2) who is required by the Secretary to file an additional return for such year,

shall file such additional return. Such additional return shall be filed at such time and in such manner as the Secretary shall prescribe and shall contain such information as the Secretary shall prescribe.

98 STAT. 3181

"(d) Definitions.—For purposes of this section—

"(1) Specified fringe benefit plan.—The term 'specified fringe benefit plan' means—

"(A) any qualified group legal services plan (as defined in section 120), and

"(B) any cafeteria plan (as defined in section 125).

"(2) Applicable exclusion.—The term 'applicable exclusion' means—

"(A) section 120, in the case of a qualified group legal services plan, and

"(B) section 125, in the case of a cafeteria plan."

(2) Penalty.—Subsection (f) of section 6652 of such Code (relating to failure to file certain information returns, regis-

26 USC 6652.

tration statements, etc.) is amended by striking out "125(h) (relating to information with respect to cafeteria plans)" and inserting in lieu thereof "6039D (relating to returns and records with respect to certain fringe benefit plans)".

(3) CONFORMING AMENDMENTS.—

26 USC 120.

(A) Section 120 of such Code is amended by adding at the end thereof the following new subsection:

"(f) CROSS REFERENCE.—

"For reporting and recordkeeping requirements, see section 6039D."

26 USC 125.

(B) Section 125 of such Code (relating to cafeteria plans) is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) CROSS REFERENCE.—

"For reporting and recordkeeping requirements, see section 6039D."

(4) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039C the following new item:

"Sec. 6039D. Returns and records with respect to certain fringe benefit plans."

26 USC 3231.

(c) EXCLUSION FROM RAILROAD RETIREMENT TAXES FOR AMOUNTS WHICH MAY BE EXCLUDED UNDER SECTION 120.—Subsection (e) of section 3231 of such Code (defining compensation for purposes of the railroad retirement taxes) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'compensation' shall not include any contribution, payment, or service provided by an employer which may be excluded from the gross income of an employee, his spouse, or his dependents, under the provisions of section 120 (relating to amounts received under qualified group legal services plans)."

(d) EFFECTIVE DATES.—

26 USC 120 note.

(1) SUBSECTION (A).—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1984.

26 USC 6039D note.

(2) SUBSECTION (B).—The amendments made by subsection (b) shall take effect on January 1, 1985.

26 USC 3231 note.

(3) SUBSECTION (C).—The amendment made by subsection (c) shall apply to remuneration paid after December 31, 1984.

98 STAT. 3182

SEC. 2. TRANSITIONAL RULE FOR PURPOSES OF IMPUTED INTEREST RULES.

Ante, p. 559.

Subsection (b) of section 44 of the Tax Reform Act of 1984 (relating to effective date for treatment of debt instruments received in exchange for property) is amended by adding at the end thereof the following new paragraphs:

"(4) SPECIAL RULES FOR SALES BEFORE JULY 1, 1985.—

"(A) IN GENERAL.—In the case of any sale or exchange before July 1, 1985, of property other than new section 38 property—

"(i) sections 483(c)(1)(B) and 1274(c)(3) of the Internal Revenue Code of 1954 shall be applied by substituting the testing rate determined under subparagraph (B) for 110 percent of the applicable Federal rate determined under section 1274 (d) of such Code, and

"(ii) sections 483(b) and 1274(b) of such Code shall be applied by substituting the imputation rate determined under subparagraph (C) for 120 percent of the applicable Federal rate determined under section 1274(d) of such Code.

"(B) TESTING RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The testing rate determined under this subparagraph is the sum of—

"(I) 9 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 110 percent of the applicable Federal rate determined under section 1274(d) of such Code over 9 percent.

"(C) IMPUTATION RATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The imputation rate determined under this subparagraph is the sum of—

"(I) 10 percent, plus

"(II) if the borrowed amount exceeds $2,000,000, the excess determined under clause (ii) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(ii) EXCESS.—For purposes of clause (i), the excess determined under this clause is the excess of 120 percent of the applicable Federal rate determined under section 1274(d) of such Code over 10 percent.

"(D) BORROWED AMOUNT.—For purposes of this paragraph, the term 'borrowed amount' means the stated principal amount.

"(E) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

98 STAT. 3183

"(ii) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(F) CASH METHOD OF ACCOUNTING.—In the case of any sale or exchange before July 1, 1985, of property (other than new section 38 property) used in the active business of farming and in which the borrowed amount does not exceed $2,000,000—

"(i) section 1274 of the Internal Revenue Code of 1954 shall not apply, and

"(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting.

The Secretary of the Treasury or his delegate may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(5) GENERAL RULE FOR ASSUMPTIONS OF LOANS.—Except as provided in paragraphs (6) and (7), if any person—

"(A) assumes, in connection with the sale or exchange of property, any debt obligation, or

"(B) acquires any property subject to any debt obligation, sections 1274 and 483 of the Internal Revenue Code of 1954 shall apply to such debt obligation by reason of such assumption (or such acquisition).

"(6) EXCEPTION FOR ASSUMPTIONS OF LOANS MADE ON OR BEFORE OCTOBER 15, 1984.—

"(A) IN GENERAL.—If any person—

"(i) assumes, in connection with the sale or exchange of property, any debt obligation described in subparagraph (B) and issued on or before October 15, 1984, or “(ii) acquires any property subject to any such debt obligation issued on or before October 15, 1984,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

“(B) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

“(i) was issued on or before October 15, 1984, and

“(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

“(C) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this paragraph and paragraph (5), including regulations relating to tax-exempt obligations, government subsidized loans, or other instruments.

“(D) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

98 STAT. 3184

“(7) EXCEPTION FOR ASSUMPTIONS OF LOANS WITH RESPECT TO CERTAIN PROPERTY.—

“(A) IN GENERAL.—If any person—

“(i) assumes, in connection with the sale or exchange of property described in subparagraph (B), any debt obligation, or

“(ii) acquires any such property subject to any such debt obligation,

sections 1274 and 483 of the Internal Revenue Code of 1954 shall not be applied to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligation are modified in connection with the assumption (or acquisition).

“(B) SALES OR EXCHANGES TO WHICH THIS PARAGRAPH APPLIES.—This paragraph shall apply to any of the following sales or exchanges:

“(i) RESIDENCES.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

“(I) either—

“(aa) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

“(bb) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

“(II) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

“(ii) FARMS.—Any sale or exchange by a qualified person of—

“(I) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(II) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(iii) TRADES OR BUSINESSES.—

"(I) IN GENERAL.—Any sale or exchange by a qualified person of any trade or business.

"(II) APPLICATION WITH SUBPARAGRAPH (B).— This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B). 98 STAT. 3185

"(III) NEW SECTION 38 PROPERTY.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(iv) SALE OF BUSINESS REAL ESTATE.—Any sale or exchange of any real property used in an active trade or business by a person who would be a qualified person if he disposed of his entire interest.

This subparagraph shall not apply to any transaction described in the last sentence of paragraph (6)(B) (relating to transaction in excess of $100,000,000).

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(I) a person who—

"(aa) is an individual, estate, or testamentary trust,

"(bb) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(cc) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(II) is a 10-percent owner of a farm or a trade or business,

"(III) pursuant to a plan, disposes of—

"(aa) an interest in a farm or farm property, or

"(bb) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(IV) the ownership interest of whom may be readily established by reason of qualified allocations (of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(ii) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)). 98 STAT. 3186

"(iii) TRADE OR BUSINESS DEFINED.—

"(I) IN GENERAL.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(II) RENTAL OF REAL PROPERTY.—For purposes of this clause, the holding of real property for rental shall not be treated as an active trade or business."

Approved October 31, 1984.

LEGISLATIVE HISTORY—H.R. 5361:

HOUSE REPORT No. 98-1050 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Oct. 1, considered and passed House.
  Oct. 11, considered and passed Senate, amended; House concurred in Senate amendment with an amendment; Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

Public Law 98-361
98th Congress

98 STAT. 422

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

July 16, 1984
[H.R. 5154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1985".

National Aeronautics and Space Administration Authorization Act, 1985.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1984:

(a) For "Research and development", for the following programs:

(1) Space transportation capability development, $351,400,000;

(2) Space station, $150,000,000

(3) Physics and astronomy, $696,200,000;

(4) Life sciences, $63,300,000;

(5) Planetary exploration, $296,900,000:

(6) Space applications, $390,100,000 of which $45,000,000 is authorized only for the Advanced Communications Technology Satellite flight program which is designed to lead to a launch of such satellite no later than 1989;

(7) Technology utilization, $9,500,000;

(8) Aeronautical research and technology, $352,400,000, of which $24,000,000 is authorized only for activities which are designed to lead to a flight test of a single rotation or counter rotation turboprop concept no later than 1987 (and for supporting research and technology);

(9) Space research and technology, $150,000,000; and

(10) Tracking and data advanced systems, $15,300,000.

(b) For "Space flight, control and data communications", for the following programs:

(1) Space shuttle production and operational capability, $1,470,600,000;

(2) Space transportation operations, $1,319,000,000; and

(3) Space and ground network, communications and data systems, $795,700,000.

(c) Except as provided in section 102(a), for "Construction of facilities", including land acquisition, as follows:

(1) Repairs to test stand 500, George C. Marshall Space Flight Center, $1,600,000;

(2) Space shuttle facilities at various locations as follows:

(A) Modifications of site electrical substation, Lyndon B. Johnson Space Center, $3,200,000;

(B) Modification for single engine testing, National Space Technology Laboratories, $3,000,000;

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(C) Construction of launch complex 39 logistics facility, John F. Kennedy Space Center, $10,000,000;

(D) Construction of solid rocket booster assembly and refurbishment facility, John F. Kennedy Space Center, $15,000,000;

(3) Space shuttle payload facilities at various locations as follows:

(A) Construction of additions to cargo hazardous servicing facility, John F. Kennedy Space Center, $4,600,000;

(B) Construction of biomedical research facility, Ames Research Center, $2,100,000;

(4) Construction of addition to network control center, Goddard Space Flight Center, $2,200,000;

(5) Construction of Earth and space science laboratory, Jet Propulsion Laboratory, $12,200,000;

(6) Construction of numerical aerodynamic simulation facility, Ames Research Center, $11,500,000;

(7) Modifications of the 8-foot high temperature tunnel, Langley Research Center, $13,800,000;

(8) Construction of 34-meter antenna, Madrid, Spain, $6,000,000;

(9) Modifications of 64-meter antenna, DSS–63, Madrid, Spain, $7,800,000;

(10) Repair of facilities at various locations, not in excess of $750,000 per project, $20,000,000;

(11) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $25,000,000;

(12) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $5,000,000; and

(13) Facility planning and design not otherwise provided for, $12,000,000.

(d)(1) For "Research and program management", $1,316,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(2) Of the funds authorized under paragraph (1) $1,000,000 shall be available for the activities of the National Commission on Space, established pursuant to title II of this Act.

Grants.

(e) Notwithstanding the provisions of subsection (h), appropriations hereby authorized for "Research and development" and "Space flight, control and data communications" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

98 STAT. 424

42 USC 2459a.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development," for "Space flight, control and data communications" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided,* That, of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. (a) Notwithstanding the provisions of section 101(c) of the title, the total amount authorized to be appropriated by such section shall be $5,000,000 less than the sum of the amounts contained in paragraphs (1) through (13) of such section for individual projects.

(b) After the reduction specified in subsection (a) of this section is made, authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (12) inclusive, of section 101(c)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 per centum, or

Report.

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 per centum, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to section 101(a) or 101(b) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) hereof (other than funds appropriated pursuant to paragraph (13) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installation at any location (including locations specified in section 101(c)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or the Administrator's designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

98 STAT. 425

Report.

SEC. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as

originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a), 101(b), and 101(d); and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee;

unless a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

Funds.
42 USC 2459.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. The authorization for shuttle production and operational capability includes provisions for the production of structural spares and the critical skills necessary for installation of electrical, mechanical, and fluid systems thereby maintaining production readiness for a fifth orbiter vehicle.

Defense and national security.

SEC. 107. No civil space station authorized under section 101(a)(2) of this title may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

98 STAT. 426

15 USC 4261 note.

SEC. 108. (a) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(b) The Administrator is authorized and encouraged to—

(1) conduct experimental space remote-sensing programs (including applications demonstration programs and basic research at universities);

(2) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(3) conduct such research and development in cooperation with other public and private research entities, including private industry, universities, Federal, State, and local government agencies, foreign governments, and international organizations, and to enter into arrangements (including joint ventures) which will foster such cooperation.

SEC. 109. It is the intent of the Congress that expenditures made from sums appropriated pursuant to the authorization contained in subsection (a)(8) of section 101 of this Act for activities in the advanced turboprop program should be recouped by the National Aeronautics and Space Administration if and when commercially successful products are developed by the aircraft industry as a direct result of such activities. For this purpose the Administrator shall submit to Congress within sixty days of enactment of this Act a plan for the payment to the Administrator of royalties by firms in the aircraft industry with respect to any such products which may be so developed by them.

Royalty payments plan.

42 USC 2451.

SEC. 110. (a) Section 102 of the National Aeronautics and Space Act of 1958, as amended, is amended—

(1) by striking out "(e) and (f)" in subsection (g) and inserting in lieu thereof "(e), (f), and (g)";

(2) by redesignating subsections (c) through (g) as subsections (d) through (h); and

(3) by inserting after subsection (b) the following new subsection:

"(c) The Congress declares that the general welfare of the United States requires that the National Aeronautics and Space Administration (as established by title II of this Act) seek and encourage, to the maximum extent possible, the fullest commercial use of space.".

Congress.
Defense and national security.

(b) Section 102(d)(1) of the National Aeronautics and Space Act of 1958, as amended (and as redesignated by subsection (a) of this section), is amended by inserting "of the Earth and" after "knowledge".

SEC. 111. (a) Any Federal personal property may be disposed of in accordance with subsection (b) if such property—

Property, Federal.

(1) is scientific research or development equipment and is not personal property that may be used for general administrative purposes;

(2) has been loaned by the National Aeronautics and Space Administration to any academic institution or nonprofit organization; and

(3) as of March 31, 1984, has been on loan to any such institution or organization for at least two years.

(b) The Administrator may transfer title to property described in subsection (a) to an academic institution or nonprofit organization if the Administrator certifies that—

98 STAT. 427

(1) such property is being used by the institution or organization holding such property for a purpose consistent with the use intended when the property was loaned; and

(2) the Administration will no longer need such property.

TITLE II—NATIONAL COMMISSION ON SPACE

PURPOSE

SEC. 201. It is the purpose of this title to establish a National Commission on Space that will assist the United States—

42 USC 2451 note.

(1) to define the long-range needs of the Nation that may be fulfilled through the peaceful uses of outer space;

(2) to maintain the Nation's preeminence in space science, technology, and applications;

(3) to promote the peaceful exploration and utilization of the space environment; and

(4) to articulate goals and develop options for the future direction of the Nation's civilian space program.

FINDINGS

SEC. 202. The Congress finds and declares that—

Congress.
42 USC 2451 note.
42 USC 2451 note.

(1) the National Aeronautics and Space Administration, the lead civilian space agency, as established in the National Aeronautics and Space Act of 1958, as amended, has conducted a space program that has been an unparalleled success, providing significant economic, social, scientific, and national security benefits, and helping to maintain international stability and good will;

(2) the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 et seq.), has provided the policy framework for achieving this success, and continues to be a sound statutory basis for national efforts in space;

(3) the United States is entering a new era of international competition and cooperation in space, and therefore this Nation must strengthen the commitment of its public and private technical, financial, and institutional resources, so that the United States will not lose its leadership position during this decade;

(4) while there continues to be a crucial Government role in space science, advanced research and development, provision of public goods and services and coordination of national and

international efforts, advances in applications of space technology have raised many issues regarding public and private sector roles and relationships in technology development, applications, and marketing;

(5) the private sector will continue to evolve as a major participant in the utilization of the space environment;

(6) the Nation is committed to a permanently manned space station in low Earth orbit, and future national efforts in space will benefit from the presence of such a station;

(7) the separation of the civilian and military space programs is essential to ensure the continued health and vitality of both; and

(8) the identification of long range goals and policy options for the United States civilian space program through a high level, representational public forum will assist the President and Congress in formulating future policies for the United States civilian space program.

NATIONAL COMMISSION ON SPACE

President of U.S.
42 USC 2451 note.

SEC. 203. (a)(1) The President shall within ninety days of the enactment of this Act establish a National Commission on Space (hereinafter in this title referred to as the "Commission"), which shall be composed of 15 members appointed by the President. The members appointed under this subsection shall be selected from among individuals from Federal, State, and local governments, industry, business, labor, academia, and the general population who, by reason of their background, education training, or experience, possess expertise in scientific and technological pursuits, as well as the use and implications of the use of such pursuits. Of the fifteen members appointed, not more than three members may be employees of the Federal Government. The President shall designate one of the members of the Commission appointed under this subsection to serve as Chairman, and one of the members to serve as Vice Chairman. The Vice Chairman shall perform the functions of the Chairman in the Chairman's absence.

(2) Members appointed by the President under paragraph (1) of this subsection may be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect under section 5332 of title 5, United States Code, for grade GS–18 of the General Schedule for each day, including traveltime, during which such members are engaged in the actual performance of the duties of the Commission. While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code. Individuals who are not officers or employees of the United States and who are members of the Commission shall not be considered officers or employees of the United States by reason of receiving payments under this paragraph.

(b)(1) The President shall appoint one individual from each of the following Federal departments and agencies to serve as ex officio, advisory, non-voting members of the Commission (if such department or agency does not already have a member appointed to the Commission pursuant to subsection (a)(1)):

(A) National Aeronautics and Space Administration.
(B) Department of State.
(C) Department of Defense.
(D) Department of Transportation.
(E) Department of Commerce.
(F) Department of Agriculture.
(G) Department of the Interior.
(H) National Science Foundation.
(I) Office of Science and Technology Policy.

Congress.

(2) The President of the Senate shall appoint two advisory members of the Commission from among the Members of the Senate and the Speaker of the House of Representatives shall appoint two advisory members of the Commission from among the Members of the House of Representatives. Such members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

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(3) Members of the Commission appointed under this subsection shall not be entitled to receive compensation for service relating to the performance of the duties of the Commission, but shall be entitled to reimbursement for travel expenses incurred while in the actual performance of the duties of the Commission.

(c) The Commission shall appoint and fix the compensation of such personnel as it deems advisable. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among such personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

In carrying out the provisions of this subsection, the Chairman shall act in accordance with the general policies of the Commission.

(d) To the extent permitted by law, the Commission may secure directly from any executive department, agency, or independent instrumentality of the Federal Government any information it deems necessary to carry out its functions under this Act. Each such department, agency, and instrumentality shall cooperate with the Commission and, to the extent permitted by law and upon request of the Chairman of the Commission, furnish such information to the Commission.

(e) The Commission may hold hearings, receive public comment and testimony, initiate surveys, and undertake other appropriate activities to gather the information necessary to carry out its activities under section 204 of this title.

Expiration date.

(f) The Commission shall cease to exist sixty days after it has submitted the plan required by section 204(c) of this title.

FUNCTIONS OF THE COMMISSION

42 USC 2451 note.

SEC. 204. (a) The Commission shall study existing and proposed space activities and formulate an agenda for the United States civilian space program. The Commission shall identify long range goals, opportunities, and policy options for United States civilian space activity for the next twenty years. In carrying out this responsibility, the Commission shall take into consideration—

(1) the commitment by the Nation to a permanently manned space station in low Earth orbit;

(2) present and future scientific, economic, social, environmental, and foreign policy needs of the United States, and methods by which space science, technology, and applications initiatives might address those needs;

(3) the adequacy of the Nation's public and private capability in fulfilling the needs identified in paragraph (2);

(4) how a cooperative interchange between Federal agencies on research and technology development programs can benefit the civilian space program;

(5) opportunities for, and constraints on, the use of outer space toward the achievement of Federal program objectives or national needs;

(6) current and emerging issues and concerns that may arise through the utilization of space research, technology development, and applications;

98 STAT. 430

(7) the Commission shall analyze the findings of the reviews specified in paragraphs (1) through (6) of this subsection, and develop options and recommendations for a long range national civilian space policy plan.

(b) Options and recommendations submitted in accordance with subsection (a)(7) of this section shall include, to the extent appropriate, an estimate of costs and time schedules, institutional requirements, and statutory modifications necessary for implementation of such options and recommendations.

Civilian space activity plan.

(c) Within twelve months after the date of the establishment of the Commission, the Commission shall submit to the President and to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives, a long range plan for United States civilian space activity incorporating the results of the studies conducted under this section, together with recommendations for such legislation as the Commission determines to be appropriate.

Approved July 16, 1984.

LEGISLATIVE HISTORY—H.R. 5154:

HOUSE REPORTS: No. 98-629 (Comm. on Science and Technology) and No. 98-873 (Comm. of Conference).
SENATE REPORT No. 98-455 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Mar. 28, considered and passed House.
June 21, considered and passed Senate, amended.
June 27, Senate agreed to conference report.
June 28, House agreed to conference report.

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98 STAT. 451

Public Law 98-365
98th Congress

An Act

July 17, 1984
[H.R. 5155]

To establish a system to promote the use of land remote-sensing satellite data, and for other purposes.

Land Remote-Sensing Commercialization Act of 1984.
Communications and telecommunications.
15 USC 4201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Land Remote-Sensing Commercialization Act of 1984".**

TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

FINDINGS

Congress.
15 USC 4201.

SEC. 101. The Congress finds and declares that—

(1) the continuous civilian collection and utilization of land remote-sensing data from space are of major benefit in managing the Earth's natural resources and in planning and conducting many other activities of economic importance;

Landsat system.

(2) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote-sensing technology;

(3) the national interest of the United States lies in maintaining international leadership in civil remote sensing and in broadly promoting the beneficial use of remote-sensing data;

Defense and national security.

(4) land remote sensing by the Government or private parties of the United States affects international commitments and policies and national security concerns of the United States;

(5) the broadest and most beneficial use of land remote-sensing data will result from maintaining a policy of nondiscriminatory access to data;

(6) competitive, market-driven private sector involvement in land remote sensing is in the national interest of the United States;

(7) use of land remote-sensing data has been inhibited by slow market development and by the lack of assurance of data continuity;

(8) the private sector, and in particular the "value-added" industry, is best suited to develop land remote-sensing data markets;

(9) there is doubt that the private sector alone can currently develop a total land remote-sensing system because of the high risk and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry can help assure both data continuity and United States leadership;

(11) the time is now appropriate to initiate such cooperation with phased transition to a fully commercial system;

(12) such cooperation should be structured to involve the minimum practicable amount of support and regulation by the Federal Government and the maximum practicable amount of competition by the private sector, while assuring continuous availability to the Federal Government of land remote-sensing data;

(13) certain Government oversight must be maintained to assure that private sector activities are in the national interest and that the international commitments and policies of the United States are honored; and

(14) there is no compelling reason to commercialize meteorological satellites at this time.

PURPOSES

SEC. 102. The purposes of this Act are to—

15 USC 4202.

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for phased commercialization of land remote sensing and by assuring continuous data availability to the Federal Government;

(2) maintain the United States worldwide leadership in civil remote sensing, preserve its national security, and fulfill its international obligations;

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(3) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil land remote sensing;

(4) provide for a comprehensive civilian program of research, development, and demonstration to enhance both the United States capabilities for remote sensing from space and the application and utilization of such capabilities; and

(5) prohibit commercialization of meteorological satellites at this time.

POLICIES

SEC. 103. (a) It shall be the policy of the United States to preserve its right to acquire and disseminate unenhanced remote-sensing data.

15 USC 4203.

(b) It shall be the policy of the United States that civilian unenhanced remote-sensing data be made available to all potential users on a nondiscriminatory basis and in a manner consistent with applicable antitrust laws.

(c) It shall be the policy of the United States both to commercialize those remote-sensing space systems that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-sensing functions that are essentially of a public service nature.

Defense and national security.

DEFINITIONS

15 USC 4204. SEC. 104. For purposes of this Act:

(1) The term "Landsat system" means Landsats 1, 2, 3, 4, and 5, and any related ground equipment, systems, and facilities, and any successor civil land remote-sensing space systems operated by the United States Government prior to the commencement of the six-year period described in title III.

98 STAT. 453 (2) The term "Secretary" means the Secretary of Commerce.

(3)(A) The term "nondiscriminatory basis" means without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 607) regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another.

(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is published in advance in such manner as will ensure that the offer is equally available to all prospective buyers; (ii) the system operator has not established or changed any price, policy, procedure, or other term or condition in a manner which gives one buyer or class of buyer de facto favored access to data; (iii) the system operator does not make unenhanced data available to any purchaser on an exclusive basis; and (iv) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of volume sales. The sale of data on a nondiscriminatory basis does not preclude the system operator from offering discounts other than volume discounts to the extent that such discounts are consistent with the provisions of this paragraph.

(C) The sale of data on a nondiscriminatory basis does not require (i) that a system operator disclose names of buyers or their purchases; (ii) that a system operator maintain all, or any particular subset of, data in a working inventory; or (iii) that a system operator expend equal effort in developing all segments of a market.

(4) The term "unenhanced data" means unprocessed or minimally processed signals or film products collected from civil remote-sensing space systems. Such minimal processing may include rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, manipulations, or calculations derived from such signals or film products or combination of the signals or film products with other data or information.

(5) The term "system operator" means a contractor under title II or title III or a license holder under title IV.

TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

OPERATION

15 USC 4211. SEC. 201. (a) The Secretary shall be responsible for—

(1) the Landsat system, including the orbit, operation, and disposition of Landsats 1, 2, 3, 4, and 5; and

(2) provision of data to foreign ground stations under the terms of agreements between the United States Government and nations that operate such ground stations which are in force on the date of commencement of the contract awarded pursuant to this title.

(b) The provisions of this section shall not affect the Secretary's authority to contract for the operation of part or all of the Landsat system, so long as the United States Government retains—

(1) ownership of such system;

(2) ownership of the unenhanced data; and

(3) authority to make decisions concerning operation of the system. 98 STAT. 454

CONTRACT FOR MARKETING OF UNENHANCED DATA

15 USC 4212.

SEC. 202. (a) In accordance with the requirements of this title, the Secretary, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party (as defined by the Secretary) for the marketing of unenhanced data collected by the Landsat system. Any such contract—

(1) shall provide that the contractor set the prices of unenhanced data;

(2) may provide for financial arrangements between the Secretary and the contractor including fees for operating the system, payments by the contractor as an initial fee or as a percentage of sales receipts, or other such considerations;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall provide that the contractor pay to the United States Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale;

(5) shall be entered into by the Secretary only if the Secretary has determined that such contract is likely to result in net cost savings for the United States Government; and

(6) may be rewarded competitively after the practical demise of the space segment of the Landsat system, as determined by the Secretary.

(b) Any contract authorized by subsection (a) may specify that the contractor use, and, at his own expense, maintain, repair, or modify, such elements of the Landsat system as the contractor finds necessary for commercial operations.

Congress.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of thirty calendar days has passed after the receipt by each such committee of such transmittal, or (B) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include information on the terms of the contract described in subsection (a).

(d) In defining "United States private sector party" for purposes of this Act, the Secretary may take into account the citizenship of key personnel, location of assets, foreign ownership, control, influence, and other such factors.

CONDITIONS OF COMPETITION FOR CONTRACT

15 USC 4213.

SEC. 203. (a) The Secretary shall, as part of the advertisement for the competition for the contract authorized by section 202, identify and publish the international obligations, national security concerns (with appropriate protection of sensitive information), domestic 98 STAT. 455 legal considerations, and any other standards or conditions which a private contractor shall be required to meet.

(b) In selecting a contractor under this title, the Secretary shall consider—

(1) ability to market aggressively unenhanced data;

(2) the best overall financial return to the Government, including the potential cost savings to the Government that are likely to result from the contract;

(3) ability to meet the obligations, concerns, considerations, standards, and conditions identified under subsection (a);

(4) technical competence, including the ability to assure continuous and timely delivery of data from the Landsat system;

(5) ability to effect a smooth transition with the contractor selected under title III; and

(6) such other factors as the Secretary deems appropriate and relevant.

Report. (c) If, as a result of the competitive process required by section 202(a), the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than thirty days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed one hundred and twenty days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(d) A contract awarded under section 202 may, in the discretion of the Secretary, be combined with the contract required by title III, pursuant to section 304(b).

SALE OF DATA

15 USC 4214. SEC. 204. (a) After the date of the commencement of the contract described in section 202(a), the contractor shall be entitled to revenues from sales of copies of data from the Landsat system, subject to the conditions specified in sections 601 and 602.

(b) The contractor may continue to market data previously generated by the Landsat system after the demise of the space segment of that system.

FOREIGN GROUND STATIONS

15 USC 4215. SEC. 205. (a) The contract under this title shall provide that the contractor shall act as the agent of the Secretary by continuing to supply unenhanced data to foreign ground stations for the life, and according to the terms, of those agreements between the United States Government and such foreign ground stations that are in force on the date of the commencement of the contract.

(b) Upon the expiration of such agreements, or in the case of foreign ground stations that have no agreement with the United States on the date of commencement of the contract, the contract shall provide—

(1) that unenhanced data from the Landsat system shall be made available to foreign ground stations only by the contractor; and

(2) that such data shall be made available on a nondiscriminatory basis.

TITLE III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSES AND DEFINITION

15 USC 4221. SEC. 301. (a) It is the purpose of this title—

(1) to provide, in an orderly manner and with minimal risk, for a transition from Government operation to private, commercial operation of civil land remote-sensing systems; and

(2) to provide data continuity for six years after the practical demise of the space segment of the Landsat system.

(b) For purposes of this title, the term "data continuity" means the continued availability of unenhanced data—

(1) including data which are from the point of view of a data user—

(A) functionally equivalent to the multispectral data generated by the Landsat 1 and 2 satellites; and

(B) compatible with such data and with equipment used to receive and process such data; and

(2) at an annual volume at least equal to the Federal usage during fiscal year 1983.

(c) Data continuity may be provided using whatever technologies are available.

DATA CONTINUITY AND AVAILABILITY

Contracts with U.S.
15 USC 4222.

SEC. 302. The Secretary shall solicit proposals from United States private sector parties (as defined by the Secretary pursuant to section 202) for a contract for the development and operation of a remote-sensing space system capable of providing data continuity for a period of six years and for marketing unenhanced data in accordance with the provisions of sections 601 and 602. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of unenhanced data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts or other returns offered to the Federal Government;

(6) plans for expanding the market for land remote-sensing data; and

(7) the proposed procedures for meeting the national security concerns and international obligations of the United States in accordance with section 607.

AWARDING OF THE CONTRACT

15 USC 4223.

SEC. 303. (a)(1) In accordance with the requirements of this title, the Secretary shall evaluate the proposals described in section 302 and, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with the United States private sector party for the capability of providing data continuity for a period of six years and for marketing unenhanced data.

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(2) Before commencing space operations the contractor shall obtain a license under title IV.

(b) As part of the evaluation described in subsection (a), the Secretary shall analyze the expected outcome of each proposal in terms of—

(1) the net cost to the Federal Government of developing the recommended system;

(2) the technical competence and financial condition of the contractor;

(3) the availability of such data after the expected termination of the Landsat system;

(4) the quantities and qualities of data to be generated by the recommended system;

(5) the contractor's ability to supplement the requirement for data continuity by adding, at the contractor's expense, remote-sensing capabilities which maintain United States leadership in remote sensing;

(6) the potential to expand the market for data;

(7) expected returns to the Federal Government based on any percentage of data sales or other such financial consideration offered to the Federal Government in accordance with section 305;

(8) the commercial viability of the proposal;

(9) the proposed procedures for satisfying the national security concerns and international obligations of the United States;

(10) the contractor's ability to effect a smooth transition with any contractor selected under title II; and

(11) such other factors as the Secretary deems appropriate and relevant.

Congress.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (1) a period of thirty calendar days has passed after the receipt by each such committee of such transmittal, or (2) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include the information specified in subsection (a).

Report.

(d) If, as a result of the competitive process required by this section, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than thirty days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed one hundred and eighty days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than ninety days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

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TERMS OF CONTRACT

15 USC 4224.

SEC. 304. (a) Any contract entered into pursuant to this title—

(1) shall be entered into as soon as practicable, allowing for the competitive procurement process required by this title;

(2) shall, in accordance with criteria determined and published by the Secretary, reasonably assure data continuity for a period of six years, beginning as soon as practicable in order to minimize any interruption of data availability;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall not provide a guarantee of data purchases from the contractor by the Federal Government;

(5) may provide that the contractor utilize, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for a civil land remote-sensing space system, if—

(A) the contractor agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for the civilian platform; and

(6) may provide financial support by the United States Government, for a portion of the capital costs required to provide data continuity for a period of six years, in the form of loans, loan guarantees, or payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the requirements of title II, the Secretary shall promptly carry out the provisions of such title to the extent provided in advance in appropriations Acts.

MARKETING

SEC. 305. (a) In order to promote aggressive marketing of land remote-sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels. 15 USC 4225.

(b) After the six-year period described in section 304(a)(2), the contractor may continue to sell data. If licensed under title IV, the contractor may continue to operate a civil remote-sensing space system.

REPORT

SEC. 306. Two years after the date of the commencement of the six-year period described in section 304(a)(2), the Secretary shall report to the President and to the Congress on the progress of the transition to fully private financing, ownership, and operation of remote-sensing space systems, together with any recommendations for actions, including actions necessary to ensure United States leadership in civilian land remote sensing from space. 15 USC 4226.

TERMINATION OF AUTHORITY

SEC. 307. The authority granted to the Secretary by this title shall terminate ten years after the date of enactment of this Act. 15 USC 4227.

TITLE IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

GENERAL AUTHORITY

SEC. 401. (a)(1) In consultation with other appropriate Federal agencies, the Secretary is authorized to license private sector parties to operate private remote-sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this title. 15 USC 4241.

(2) In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this title shall be limited only to the remote-sensing operations of such space system.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and any applicable international obligations and national security concerns of the United States.

(c) The Secretary shall review any application and make a determination thereon within one hundred and twenty days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them. Review date.

(d) The Secretary shall not deny such license in order to protect any existing licensee from competition.

CONDITIONS FOR OPERATION

15 USC 4242.

SEC. 402. (a) No person who is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote-sensing space system without a license pursuant to section 401.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

Defense and national security.

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

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(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

ADMINISTRATIVE AUTHORITY OF THE SECRETARY

15 USC 4243.

SEC. 403. (a) In order to carry out the responsibilities specified in this title, the Secretary may—

(1) grant, terminate, modify, condition, transfer, or suspend licenses under this title, and upon notification of the licensee may terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provision of this Act, with any regulation issued under this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(2) inspect the equipment, facilities, or financial records of any licensee under this title;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this title, including civil penalties not to exceed $10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report where there is probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this Act or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this Act.

(b) Any applicant or licensee who makes a timely request for review of an adverse action pursuant to subsection (a)(1), (a)(3), or (a)(6) shall be entitled to adjudication by the Secretary on the record after an opportunity for an agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, United States Code.

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5 USC 701 *et seq.*

REGULATORY AUTHORITY OF THE SECRETARY

SEC. 404. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code. 15 USC 4244.

AGENCY ACTIVITIES

SEC. 405. (a) A private sector party may apply for a license to operate a private remote-sensing space system which utilizes, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and— 15 USC 4245.

(1) the system operator agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for such civilian platform.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote-sensing space system is licensed by the Secretary before commencing operation.

(d) The provisions of this section do not apply to activities carried out under title V.

(e) Nothing in this title shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.). 47 USC 609.

TERMINATION

SEC. 406. If, five years after the expiration of the six-year period described in section 304(a)(2), no private sector party has been licensed and continued in operation under the provisions of this title, the authority of this title shall terminate. 15 USC 4246.

TITLE V—RESEARCH AND DEVELOPMENT

CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

SEC. 501. (a)(1) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development. 15 USC 4261.

(2) The Administrator is authorized and encouraged to—

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(A) conduct experimental space remote-sensing programs (including applications demonstration programs and basic research at universities);

(B) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b)(1) The Secretary is directed to conduct a continuing program of—

(A) research in applications of remote-sensing;

(B) monitoring of the Earth and its environment; and

(C) development of technology for such monitoring.

(2) Such program may include support of basic research at universities and demonstrations of applications.

(3) The Secretary is authorized and encouraged to conduct such research, monitoring, and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(c)(1) In order to enhance the United States ability to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other Government agencies, private sector parties, and foreign and international organizations.

(d) Other Federal agencies are authorized and encouraged to conduct research and development on the use of remote sensing in fulfillment of their authorized missions, using funds appropriated for such purposes.

Report.

(e) The Secretary and the Administrator of the National Aeronautics and Space Administration shall, within one year after the date of enactment of this Act and biennially thereafter, jointly develop and transmit to the Congress a report which includes (1) a unified national plan for remote-sensing research and development applied to the Earth and its atmosphere; (2) a compilation of progress in the relevant ongoing research and development activities of the Federal agencies; and (3) an assessment of the state of our knowledge of the Earth and its atmosphere, the needs for additional research (including research related to operational Federal remote-sensing space programs), and opportunities available for further progress.

USE OF EXPERIMENTAL DATA

15 USC 4262.

SEC. 502. Data gathered in Federal experimental remote-sensing space programs may be used in related research and development programs funded by the Federal Government (including applications programs) and cooperative research programs, but not for commercial uses or in competition with private sector activities, except pursuant to section 503.

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SALE OF EXPERIMENTAL DATA

15 USC 4263.

SEC. 503. Data gathered in Federal experimental remote-sensing space programs may be sold en bloc through a competitive process (consistent with national security interests and international obligations of the United States and in accordance with section 607) to any United States entity which will market the data on a nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

NONDISCRIMINATORY DATA AVAILABILITY

Public availability. 15 USC 4271.

SEC. 601. (a) Any unenhanced data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis in accordance with the requirements of this Act.

(b) Any system operator shall make publicly available the prices, policies, procedures, and other terms and conditions (but, in accordance with section 104(3)(C), not necessarily the names of buyers or their purchases) upon which the operator will sell such data.

ARCHIVING OF DATA

15 USC 4272.

SEC. 602. (a) It is in the public interest for the United States Government—

(1) to maintain an archive of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) to control the content and scope of the archive; and

(3) to assure the quality, integrity, and continuity of the archive.

(b) The Secretary shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote-sensing data set (hereinafter referred to as the "basic data set") and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data. The basic data set which the Secretary assembles in the Government archive shall remain distinct from any inventory of data which a system operator may maintain for sales and for other purposes.

(c) In determining the initial content of, or in upgrading, the basic data set, the Secretary shall—

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

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(5) include, as the Secretary considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary shall request data needed for the basic data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

Marketing.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

Public availability.

(f) After the expiration of such exclusive right to sell, or after relinquishment of such right, the data provided to the United States remote-sensing data archive shall be in the public domain and shall be made available to requesting parties by the Secretary at prices reflecting reasonable costs of reproduction and transmittal.

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

NONREPRODUCTION

15 USC 4273.

SEC. 603. Unenhanced data distributed by any system operator under the provisions of this Act may be sold on the condition that such data will not be reproduced or disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

15 USC 4274.

SEC. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

ACQUISITION OF EQUIPMENT

15 USC 4275.

SEC. 605. The Secretary may, by means of a competitive process, allow a licensee under title IV or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

RADIO FREQUENCY ALLOCATION

President of U.S. 15 USC 4276.

SEC. 606. (a) Within thirty days after the date of enactment of this Act, the President (or the President's delegee, if any, with authority over the assignment of frequencies to radio stations or classes of radio stations operated by the United States) shall make available for nongovernmental use spectrum presently allocated to Government use, for use by United States Landsat and commercial remote-sensing space systems. The spectrum to be so made available shall conform to any applicable international radio or wire treaty or convention, or regulations annexed thereto. Within ninety days thereafter, the Federal Communications Commission shall utilize appropriate procedures to authorize the use of such spectrum for nongovernmental use. Nothing in this section shall preclude the ability of the Commission to allocate additional spectrum to commercial land remote-sensing space satellite system use.

47 USC 609.

(b) To the extent required by the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with the commercial remote-sensing space system.

(c) It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.), upon the application of any private sector party or consortium operator of any commercial land remote-sensing space system subject to this Act, within one hundred and twenty days of the receipt of an application for such licensing. If final action has not occurred within one hundred and twenty days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(d) Authority shall not be required from the Federal Communications Commission for the development and construction of any

United States land remote-sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(e) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

CONSULTATION

Defense and national security. 15 USC 4277.

SEC. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions.

(b)(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions.

(2) Appropriate Federal agencies are authorized and encouraged to provide remote-sensing data, technology, and training to developing nations as a component of programs of international aid.

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(3) The Secretary of State shall promptly report to the Secretary any instances outside the United States of discriminatory distribution of data.

(c) If, as a result of technical modifications imposed on a system operator on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the system operator, or that past development costs (including the cost of capital) will not be recovered by the system operator, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the system operator for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1983

SEC. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

15 USC 1517 note.

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote-sensing space systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote-sensing space systems to the private sector when in the national interest.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 609. (a) There are authorized to be appropriated to the Secretary $75,000,000 for fiscal year 1985 for the purpose of carrying out the provisions of this Act. Such sums shall remain available until expended, but shall not become available until the time periods specified in sections 202(c) and 303(c) have expired.

15 USC 4278.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1983.

15 USC 1517 note.

TITLE VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

PROHIBITION

President of U.S.
15 USC 4291.

Sec. 701. Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, commercialize, or in any way dismantle any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

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FUTURE CONSIDERATIONS

15 USC 4292.

Sec. 702. Regardless of any change in circumstances subsequent to the enactment of this Act, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 701 unless this title has first been repealed.

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 5155:

HOUSE REPORT No. 98-647 (Comm. on Science and Technology).
SENATE REPORT No. 98-458 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 9, considered and passed House.
  June 8, considered and passed Senate, amended.
  June 28, House concurred in Senate amendment with an amendment.
  June 29, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 29 (1984):
  July 17, Presidential statement.

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Public Law 98-373
98th Congress

An Act

July 31, 1984
[S. 373]

To provide for a comprehensive national policy dealing with national research needs and objectives in the Arctic, for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arctic Research and Policy Act of 1984.

TITLE I—ARCTIC RESEARCH AND POLICY

SHORT TITLE

15 USC 4101 note.

Sec. 101. This title may be cited as the "Arctic Research and Policy Act of 1984".

FINDINGS AND PURPOSES

15 USC 4101.

Sec. 102. (a) The Congress finds and declares that—

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(2) as the Nation's only common border with the Soviet Union, the Arctic is critical to national defense;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(4) Arctic conditions directly affect global weather patterns

and must be understood in order to promote better agricultural management throughout the United States;

(5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;

(6) the Arctic is a natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;

(7) atmospheric conditions peculiar to the Arctic make the Arctic a unique testing ground for research into high latitude communications, which is likely to be crucial for future defense needs;

(8) Arctic marine technology is critical to cost-effective recovery and transportation of energy resources and to the national defense;

(9) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of the Arctic;

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(10) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;

(11) Federal Arctic research is fragmented and uncoordinated at the present time, leading to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;

(12) improved logistical coordination and support for Arctic research and better dissemination of research data and information is necessary to increase the efficiency and utility of national Arctic research efforts;

(13) a comprehensive national policy and program plan to organize and fund currently neglected scientific research with respect to the Arctic is necessary to fulfill national objectives in Arctic research;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic; and

(17) the Alaskan Arctic provides an essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this title are—

(1) to establish national policy, priorities, and goals and to provide a Federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences;

(2) to establish an Arctic Research Commission to promote Arctic research and to recommend Arctic research policy;

(3) to designate the National Science Foundation as the lead agency responsible for implementing Arctic research policy; and

(4) to establish an Interagency Arctic Research Policy Committee to develop a national Arctic research policy and a five year plan to implement that policy.

Establishment.

ARCTIC RESEARCH COMMISSION

15 USC 4102.

SEC. 103. (a) The President shall establish an Arctic Research Commission (hereafter referred to as the "Commission").

(b)(1) The Commission shall be composed of five members appointed by the President, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The members appointed by the President shall include—

(A) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

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(B) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resource development; and

(C) one member appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(2) The President shall designate one of the appointed members of the Commission to be chairperson of the Commission.

(c)(1) Except as provided in paragraph (2) of this subsection, the term of office of each member of the Commission appointed under subsection (b)(1) shall be four years.

(2) Of the members of the Commission originally appointed under subsection (b)(1)—

(A) one shall be appointed for a term of two years;

(B) two shall be appointed for a term of three years; and

(C) two shall be appointed for a term of four years.

(3) Any vacancy occurring in the membership of the Commission shall be filled, after notice of the vacancy is published in the Federal Register, in the manner provided by the preceding provisions of this section, for the remainder of the unexpired term.

(4) A member may serve after the expiration of the member's term of office until the President appoints a successor.

(5) A member may serve consecutive terms beyond the member's original appointment.

(d)(1) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A member of the Commission not presently employed for compensation shall be compensated at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the actual performance of his duties as a member of the Commission, not to exceed 90 days of service each year. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims), a member of the Commission shall not be considered an employee of the United States for any purpose.

5 USC 8101 *et seq.*
28 USC 2671 *et seq.*

(2) The Commission shall meet at the call of its Chairman or a majority of its members.

(3) Each Federal agency referred to in section 107(b) may designate a representative to participate as an observer with the Commission. These representatives shall report to and advise the Commission on the activities relating to Arctic research of their agencies.

Public meeting.

(4) The Commission shall conduct at least one public meeting in the State of Alaska annually.

DUTIES OF COMMISSION

15 USC 4103.

SEC. 104. (a) The Commission shall—

(1) develop and recommend an integrated national Arctic research policy;

(2) in cooperation with the Interagency Arctic Research Policy Committee established under section 107, assist in establishing

a national Arctic research program plan to implement the Arctic research policy;

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(3) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate and in accordance with the findings and purposes of this title;

(6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Committee established under section 107 as it may find appropriate; and

(8) cooperate with the Governor of the State of Alaska and with agencies and organizations of that State which the Governor may designate with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall—

(1) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties; and

(2) submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year. Report.

COOPERATION WITH THE COMMISSION

SEC. 105. (a)(1) The Commission may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research in the possession of the agency which the Commission considers useful in the discharge of its duties. 15 USC 4104.

(2) Each agency shall cooperate with the Commission and furnish all data, reports, and other information requested by the Commission to the extent permitted by law; except that no agency need furnish any information which it is permitted to withhold under section 552 of title 5, United States Code. Confidentiality.

(b) With the consent of the appropriate agency head, the Commission may utilize the facilities and services of any Federal agency to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy, upon reimbursement to be agreed upon by the Commission and the agency head and taking every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

ADMINISTRATION OF THE COMMISSION

SEC. 106. The Commission may— 15 USC 4105.

(1) in accordance with the civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and necessary additional staff personnel, but not to exceed a total of seven compensated personnel; 5 USC 5331.

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(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services, and personal property; and

(4) enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in amounts to be agreed

upon by the Commission and the Administrator of the General Services Administration.

LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE

15 USC 4106.

SEC. 107. (a) The National Science Foundation is designated as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

Establishment.

(b)(1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the "Interagency Committee").

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

(A) the National Science Foundation;
(B) the Department of Commerce;
(C) the Department of Defense;
(D) the Department of Energy;
(E) the Department of the Interior;
(F) the Department of State;
(G) the Department of Transportation;
(H) the Department of Health and Human Services;
(I) the National Aeronautics and Space Administration;
(J) the Environmental Protection Agency; and
(K) any other agency or office deemed appropriate.

(3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

DUTIES OF THE INTERAGENCY COMMITTEE

15 USC 4107.

SEC. 108. (a) The Interagency Committee shall—

(1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on—

(A) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(B) Arctic research programs of Federal agencies;

(C) recommendations of the Commission on future Arctic research; and

(D) guidelines for Federal agencies for awarding and administering Arctic research grants;

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(4) develop a 5-year plan to implement the national policy, as provided for in section 109;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research as provided for in section 110;

(6) facilitate cooperation between the Federal Government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research in accordance with the findings and purposes of this title;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under this title;

(9) promote Federal interagency coordination of all Arctic research activities, including—

(A) logistical planning and coordination; and

(B) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code; and

(10) provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

Public information.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing—

Report.

(1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and

(2) a description of the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

5-YEAR ARCTIC RESEARCH PLAN

15 USC 4108.

SEC. 109. (a) The Interagency Committee, in consultation with the Commission, the Governor of the State of Alaska, the residents of the Arctic, the private sector, and public interest groups, shall prepare a comprehensive 5-year program plan (hereinafter referred to as the "Plan") for the overall Federal effort in Arctic research. The Plan shall be prepared and submitted to the President for transmittal to the Congress within one year after the enactment of this Act and shall be revised biennially thereafter.

(b) The Plan shall contain but need not be limited to the following elements:

(1) an assessment of national needs and problems regarding the Arctic and the research necessary to address those needs or problems;

(2) a statement of the goals and objectives of the Interagency Committee for national Arctic research;

(3) a detailed listing of all existing Federal programs relating to Arctic research, including the existing goals, funding levels for each of the 5 following fiscal years, and the funds currently being expended to conduct the programs;

(4) recommendations for necessary program changes and other proposals to meet the requirements of the policy and goals as set forth by the Commission and in the Plan as currently in effect; and

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(5) a description of the actions taken by the Interagency Committee to coordinate the budget review process in order to ensure interagency coordination and cooperation in (A) carrying out Federal Arctic research programs, and (B) eliminating unnecessary duplication of effort among these programs.

COORDINATION AND REVIEW OF BUDGET REQUESTS

15 USC 4109.

SEC. 110. (a) The Office of Science and Technology Policy shall—

(1) review all agency and department budget requests related to the Arctic transmitted pursuant to section 108(a)(5), in accordance with the national Arctic research policy and the 5-year program under section 108(a)(2) and section 109, respectively; and

(2) consult closely with the Interagency Committee and the Commission to guide the Office of Science and Technology Policy's efforts.

(b)(1) The Office of Management and Budget shall consider all Federal agency requests for research related to the Arctic as one integrated, coherent, and multiagency request which shall be reviewed by the Office of Management and Budget prior to submission of the President's annual budget request for its adherence to the Plan. The Commission shall, after submission of the President's annual budget request, review the request and report to Congress on adherence to the Plan.

Report.

(2) The Office of Management and Budget shall seek to facilitate planning for the design, procurement, maintenance, deployment,

and operations of icebreakers needed to provide a platform for Arctic research by allocating all funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, to the Coast Guard.

AUTHORIZATION OF APPROPRIATIONS; NEW SPENDING AUTHORITY

15 USC 4110.

SEC. 111. (a) There are authorized to be appropriated such sums as may be necessary for carrying out this title.

2 USC 651.

(b) Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as may be provided in appropriation Acts.

DEFINITION

15 USC 4111.

SEC. 112. As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

National Critical Materials Act of 1984.

TITLE II—NATIONAL CRITICAL MATERIALS ACT OF 1984

SHORT TITLE

30 USC 1801 note.

SEC. 201. This title may be cited as the "National Critical Materials Act of 1984".

98 STAT. 1249

FINDINGS AND PURPOSES

30 USC 1801.

SEC. 202. (a) The Congress finds that—

(1) the availability of adequate supplies of strategic and critical industrial minerals and materials continues to be essential for national security, economic well-being, and industrial production;

(2) the United States is increasingly dependent on foreign sources of materials and vulnerable to supply interruption in the case of many of those minerals and materials essential to the Nation's defense and economic well-being;

(3) together with increasing import dependence, the Nation's industrial base, including the capacity to process minerals and materials, is deteriorating—both in terms of facilities and in terms of a trained labor force;

(4) research, development, and technological innovation, especially related to improved materials and new processing technologies, are important factors which affect our long-term capability for economic competitiveness, as well as for adjustment to interruptions in supply of critical minerals and materials;

(5) while other nations have developed and implemented specific long-term research and technology programs to develop high-performance materials, no such policy and program evolution has occurred in the United States;

(6) establishing critical materials reserves, by both the public and private sectors and with proper organization and management, represents one means of responding to the genuine risks to our economy and national defense from dependency on foreign sources;

(7) there exists no single Federal entity with the authority and responsibility for establishing critical materials policy and for coordinating and implementing that policy; and

(8) the importance of materials to national goals requires an organizational means for establishing responsibilities for materials programs and for the coordination, within and at a suitably high level of the Executive Office of the President, with other existing policies within the Federal Government.

(b) It is the purpose of this title—

(1) to establish a National Critical Materials Council under and reporting to the Executive Office of the President which shall—

(A) establish responsibilities for and provide for necessary coordination of critical materials policies, including all facets of research and technology, among the various agencies and departments of the Federal Government, and make recommendations for the implementation of such policies;

(B) bring to the attention of the President, the Congress, and the general public such materials issues and concerns, including research and development, as are deemed critical to the economic and strategic health of the Nation; and

(C) ensure adequate and continuing consultation with the private sector concerning critical materials, materials research and development, use of materials, Federal materials policies, and related matters;

(2) to establish a national Federal program for advanced materials research and technology, including basic phenomena through processing and manufacturing technology; and

(3) to stimulate innovation and technology utilization in basic as well as advanced materials industries.

ESTABLISHMENT OF THE NATIONAL CRITICAL MATERIALS COUNCIL

30 USC 1802.

SEC. 203. There is hereby established a National Critical Materials Council (hereinafter referred to as the "Council") under and reporting to the Executive Office of the President. The Council shall be composed of three members who shall be appointed by the President and who shall serve at the pleasure of the President. Members so appointed who are not already Senate-confirmed officers of the Government shall be appointed by and with the advice and consent of the Senate. The President shall designate one of the members to serve as Chairman. Each member shall be a person who, as a result of training, experience, and achievement, is qualified to carry out the duties and functions of the Council, with particular emphasis placed on fields relating to materials policy or materials science and engineering. In addition, at least one of the members shall have a background in and understanding of environmentally related issues.

RESPONSIBILITIES AND AUTHORITIES OF THE COUNCIL

30 USC 1803.

SEC. 204. (a) It shall be the primary responsibility of the Council—

(1) to assist and advise the President in establishing coherent national materials policies consistent with other Federal policies, and making recommendations necessary to implement such policies;

(2) to assist in establishing responsibilities for, and to coordinate, Federal materials-related policies, programs, and research and technology activities, as well as recommending to the Office of Management and Budget budget priorities for materials activities in each of the Federal departments and agencies;

(3) to review and appraise the various programs and activities of the Federal Government in accordance with the policy and directions given in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601), and to determine the extent to which such programs and activities are contributing to the achievement of such policy and directions;

(4) to monitor and evaluate the critical materials needs of basic and advanced technology industries and the Government, including the critical materials research and development needs of the private and public sectors;

(5) to advise the President of mineral and material trends, both domestic and foreign, the implications thereof for the United States and world economies and the national security, and the probable effects of such trends on domestic industries;

(6) to assess through consultation with the materials academic

community the adequacy and quality of materials-related educational institutions and the supply of materials scientists and engineers;

(7) to make or furnish such studies, analyses, reports, and recommendations with respect to matters of materials-related policy and legislation as the President may request;

Report

(8)(A) to prepare a report providing a domestic inventory of critical materials with projections on the prospective needs of Government and industry for these materials, including a long-range assessment, prepared in conjunction with the Office of Science and Technology Policy in accordance with the National Materials and Minerals Policy, Research and Development Act of 1980, and in conjunction with such other Government departments or agencies as may be considered necessary, of the prospective major critical materials problems which the United States is likely to confront in the immediate years ahead and providing advice as to how these problems may best be addressed, with the first such report being due on April 1, 1985, and (B) review and update such report and assessment as appropriate and report thereon to the Congress at least biennially; and

30 USC 1601 note.

(9) to recommend to the Congress such changes in current policies, activities, and regulations of the Federal Government, and such legislation, as may be considered necessary to carry out the intent of this title and the National Materials and Minerals Policy, Research and Development Act of 1980.

Advisory panels and interagency committees.

(b) In carrying out its responsibilities under this section the Council shall have the authority—

(1) to establish such special advisory panels as it considers necessary, with each such panel consisting of representatives of industry, academia, and other members of the private sector, not to exceed ten members, and being limited in scope of subject and duration; and

(2) to establish and convene such Federal interagency committees as it considers necessary in carrying out the intent of this title.

(c) In seeking to achieve the goals of this title and related Acts, the Council and other Federal departments and agencies with responsibilities or jurisdiction related to materials or materials policy, including the National Security Council, the Council on Environmental Quality, the Office of Management and Budget, and the Office of Science and Technology Policy, shall work collaboratively and in close cooperation.

PROGRAM AND POLICY FOR ADVANCED MATERIALS RESEARCH AND TECHNOLOGY

30 USC 1804.

SEC. 205. (a) In addition to the responsibilities described in section 204, the Council shall be responsible for coordination with appropriate agencies and departments of the Federal Government relative to Federal materials research and development policies and programs. Such policies and programs shall be consistent with the policies and goals described in the National Materials and Minerals Policy, Research and Development Act of 1980. In carrying out this responsibility the Council shall—

(1)(A) establish a national Federal program plan for advanced materials research and development, recommend the designation of the key responsibilities for carrying out such research, and to provide for coordination of this plan with the Office of Science and Technology Policy, the Office of Management and Budget, and such other Federal offices and agencies as may be deemed appropriate, and (B) annually review such plan and report thereon to the Congress;

(2) review annually the materials research, development, and technology authorization requests and budgets of all Federal agencies and departments; and in this activity the Council shall make recommendations, in cooperation with the Office of Sci-

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ence and Technology Policy, the Office of Management and Budget, and all other Federal offices and agencies deemed appropriate, to ensure close coordination of the goals and directions of such programs with the policies determined by the Council; and

(3) assist the Office of Science and Technology Policy in the preparation of such long-range materials assessments and reports as may be required by the National Materials and Minerals Policy, Research and Development Act of 1980, and assist other Federal entities in the preparation of analyses and reporting relating to critical and advanced materials.

30 USC 1601 note.

(b) The Office of Management and Budget, in reviewing the materials research, development, and technology authorization requests of the various Federal departments and agencies for any fiscal year, and the recommendations of the Council, shall consider all of such requests and recommendations as an integrated, coherent, multiagency request which shall be reviewed by the Office of Management and Budget for its adherence to the national Federal materials program plan in effect for such fiscal year under subsection (a).

INNOVATION IN BASIC AND ADVANCED MATERIALS INDUSTRIES

Advisory panels and interagency committees.

SEC. 206. (a)(1) In order to promote the use of more cost-effective, advanced technology and other means of providing for innovation and increased productivity within the basic and advanced materials industries, the Council shall evaluate and make recommendations regarding the establishment of Centers for Industrial Technology as provided in Public Law 96-480 (15 U.S.C. 3705).

(2) The activities of such Centers shall focus on, but not be limited to, the following generic materials areas: corrosion; welding and joining of materials; advanced processing and fabrication technologies; microfabrication; and fracture and fatigue.

(b) In order to promote better use and innovation of materials in design for improved safety or efficiency, the Council shall establish in cooperation with the appropriate Federal agencies and private industry, an effective mechanism for disseminating materials property data in an efficient and timely manner. In carrying out this responsibility, the Council shall consider, where appropriate, the establishment of a computerized system taking into account, to the maximum extent practicable, existing available resources.

COMPENSATION OF MEMBERS AND REIMBURSEMENTS

30 USC 1804.

SEC. 207. (a) The Chairman of the Council, if not otherwise a paid officer or employee of the Federal Government, shall be paid at the rate not to exceed the rate of basic pay provided for level II of the Executive Schedule. The other members of the Council, if not otherwise paid officers or employees of the Federal Government, shall be paid at a per diem rate comparable to the rate not to exceed the rate of basic pay provided for level III of the Executive Schedule.

(b) Subject to existing law and regulations governing conflicts of interest, the Council may accept reimbursement from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, or from any State or local government, for reasonable travel expenses incurred by any member or employee of the Council in connection with such member's or employee's attendance at any conference, seminar, or similar meeting.

98 STAT. 1253

POSITION AND AUTHORITIES OF EXECUTIVE DIRECTOR

30 USC 1807.

SEC. 208. (a) There shall be an Executive Director (hereinafter referred to as the "Director"), who shall be chief administrator of the Council. The Director shall be appointed by the Council full time and shall be paid at the rate not to exceed the rate of basic pay provided for level III of the Executive Schedule.

(b) The Director is authorized—

(1) to employ such personnel as may be necessary for the Council to carry out its duties and functions under this title, but not to exceed twelve compensated employees;

(2) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code; and

(3) to develop, subject to approval by the Council, rules and regulations necessary to carry out the purposes of this title.

(c) In exercising his responsibilities and duties under this title, the Director—

(1) may consult with representatives of academia, industry, labor, State and local governments, and other groups; and

(2) shall utilize to the fullest extent possible the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals.

31 USC 1342.

(d) Notwithstanding section 367(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may utilize voluntary and uncompensated labor and services in carrying out its duties and functions.

RESPONSIBILITIES AND DUTIES OF THE DIRECTOR

30 USC 1808.

SEC. 209. In carrying out his functions the Director shall assist and advise the Council on policies and programs of the Federal Government affecting critical and advanced materials by—

(1) providing the professional and administrative staff and support for the Council;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, including research and development, which affect critical materials availability and needs;

(3) cataloging, as fully as possible, research and development activities of the Government, private industry, and public and private institutions; and

(4) initiating Government and private studies and analyses, including those to be conducted by or under the auspices of the Council, designed to advance knowledge of critical or advanced materials issues and develop alternative proposals, including research and development, to resolve national critical materials problems.

AUTHORITY

30 USC 1809.
Regulations.

SEC. 210. The Council is authorized—

(1) to establish such internal rules and regulations as may be necessary for its operation;

Contracts with U.S.

(2) to enter into contracts and acquire materials and supplies necessary for its operation to such extent or in such amounts as are provided for in appropriation Acts;

Public information.

(3) to publish, consistent with title 44 of the United States Code, or arrange to publish critical materials information that it deems to be useful to the public and private industry to the extent that such publication is consistent with the national defense and economic interest;

(4) to utilize such services or personnel as may be provided to the Council on a reimbursable basis by any agency of the United States; and

(5) to exercise such authorities as may be necessary and incidental to carrying out its responsibilities and duties under this title.

AUTHORIZATION OF APPROPRIATIONS

30 USC 1810.

SEC. 211. There are hereby authorized to be appropriated to carry out the provisions of this title a sum not to exceed $500,000 for the fiscal year ending September 30, 1985, and such sums as may be necessary thereafter: *Provided*, That the authority provided for in this title shall expire on September 30, 1990, unless otherwise authorized by Congress.

DEFINITION

SEC. 212. As used in this title, the term "materials" has the meaning given it by section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980. 30 USC 1811. 30 USC 1601.

Approved July 31, 1984.

LEGISLATIVE HISTORY—S. 373:

HOUSE REPORTS No. 98-593, Pt. 1 (Comm. on Science and Technology) and Pt. 2 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-159 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): June 27, considered and passed Senate.
Vol. 130 (1984): Apr. 24, considered and passed House, amended.
June 21, Senate concurred in House amendments with amendment.
June 26, House concurred in Senate amendments.

TRANSPORTATION ACTS

Public Law 98-217
98th Congress

98 STAT. 9

An Act

To amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

Feb. 14, 1984
[H.R. 3969]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1102(c) of the Panama Canal Act of 1979 (22 U.S.C. 3612(c)) is amended by adding at the end thereof the following: "The Secretary of Defense, or the officer of the Department of Defense designated by the Secretary under subsection (a) of this section, may act by proxy for any other member of the Board if that other member authorizes the proxy in writing and signs the proxy. Only one proxy may be valid at any one time. The proxy may be counted to establish a quorum and may be used by the Secretary of Defense, or the officer of the Department of Defense designated by the Secretary under subsection (a) of this section, to cast the vote of the absent Board member and to act for that member with all the powers that member would possess if present.".

Panama Canal Act of 1979, amendment.
Use of proxies.

Approved February 14, 1984.

LEGISLATIVE HISTORY—H.R. 3969:

HOUSE REPORT No. 98-515 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 15, considered and passed House.
Vol. 130 (1984): Jan. 31, considered and passed Senate.

Public Law 98-229
98th Congress

98 STAT. 55

An Act

To apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

Mar. 9, 1984
[H.R. 4957]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, one-half of the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-10 of the Committee on Public Works and Transportation of the House of Representatives.**

National System of Interstate and Defense Highways, apportioned funds.
23 USC 104 note.
23 USC 101 note.

SEC. 2. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, one-half of the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the commit-

tee print numbered 98-11 of the Committee on Public Works and Transportation of the House of Representatives.

Appropriation authorization.

SEC. 3. In addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1984, there is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), for such fiscal year $150,000,000 to carry out such section.

SEC. 4. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code, limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by section 3 of this Act.

SEC. 5. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

98 STAT. 56

23 USC 104.

SEC. 7. Upon application by the State of Maryland, and after approval of withdrawal by the Secretary of Transportation of unbuilt portions of Interstate route I-83 in Baltimore, Maryland, under section 103(e)(4) of title 23, United States Code, the Secretary shall transfer $100,000,000 from the apportionment of such State under section 104(b)(5)(A) of such title to the apportionment of such State under section 104(b)(5)(B) of such title. Upon transfer of such funds, the estimate of the cost of completing substitute highway projects in such State prepared under section 103(e)(4) of such title shall be reduced by $100,000,000. Of funds apportioned to such State under section 104(b)(5)(B) of such title, $100,000,000 shall be obligated for resurfacing, restoring, rehabilitating, and reconstructing portions of such Interstate route open to traffic. Any funds transferred under this section shall continue to be available for expenditure in such State until the last day of the second fiscal year following the fiscal year in which such transfer is made. Any amount of funds so transferred which have not been obligated by such last day shall lapse and shall be made available by the Secretary for projects under section 118(b)(3) of such title.

23 USC 118.

Federal financial responsibility.

SEC. 8. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are amended to read as follows: "The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of this sentence.".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended to read as follows:

23 USC 103, 139.

"(a) The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System designated under sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of this sentence under section 139 (a) and (b) of this title; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978. Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title. The Federal share for any project under this subsection shall be that set forth in section 120(c) of this title.".

92 Stat. 2692.

23 USC 120.

Bridge construction.

SEC. 9. Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

98 STAT. 57

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

23 USC 144.

SEC. 10. Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended by striking out ", cement,".

23 USC 101 note.

Approved March 9, 1984.

LEGISLATIVE HISTORY—H.R. 4957:

CONGRESSIONAL RECORD, Vol. 130 (1984):
Feb. 29, considered and passed House.
Mar. 2, considered and passed Senate.

Public Law 98-363
98th Congress

98 STAT. 435

An Act

To amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes.

July 17, 1984
[H.R. 4616]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(a)(1) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

Appropriation authorization.

"SEC. 203. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund (other than the Mass Transit Account), $126,500,000 for the fiscal year ending September 30, 1985, and $132,000,000 for the fiscal year ending September 30, 1986.".

State and local governments.

(b) Section 203(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) Each State shall expend each fiscal year not less than 8 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for developing and implementing comprehensive programs approved by the Secretary of Transportation concerning the use of child restraint systems in motor vehicles. Upon request of the Governor of any State, the Secretary may reduce the amount required to be expended by the State for any fiscal year under the preceding sentence if the State demonstrates to the satisfaction of the Secretary that the percentage of children under the age of four traveling in motor vehicles in the State who are properly restrained by a child restraint system is greater than 75 per centum.

"(B) No project for developing and implementing a comprehensive program concerning the use of child restraint systems in motor vehicles may be approved by the Secretary of Transportation in the fiscal years ending September 30, 1985, and September 30, 1986, unless the State applying for approval of such project enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all non-Federal sources for such programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this paragraph.

"(C) Subparagraphs (A) and (B) of this paragraph shall not apply to sums authorized to be appropriated for any fiscal year beginning after September 30, 1987.".

SEC. 2. Section 203(b) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2138.

"(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $126,500,000 for the fiscal year ending September 30, 1985, and $132,000,000 for the fiscal year ending September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.".

98 STAT. 436

SEC. 3. (a) The sixth sentence of section 402(c) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-quarter of 1 per centum of the total apportionment.".

(b) Section 401 of title 23, United States Code, is amended by striking out ", except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated." and inserting in lieu thereof a period.

23 USC 401 note.

(c) The amendments made by subsections (a) and (b) shall only apply to fiscal years beginning after the date of enactment of this Act.

Drugs and drug abuse.

SEC. 4. (a) Section 408(a) of title 23, United States Code, is amended by inserting "or a controlled substance" immediately after "alcohol".

(b) Section 408(c)(1) of title 23, United States Code, is amended by inserting "and controlled substance" immediately after "alcohol".

(c) Section 408(f) of title 23, United States Code, is amended—

(1) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(8) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while under the influence of a controlled substance or for the establishment of research programs to develop effective means of detecting use of controlled substances by drivers.".

Grants.

SEC. 5. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

23 USC 402.

"(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

"(2) No State may receive a grant under this subsection in more than two fiscal years.

"(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

98 STAT. 437

"(4) A State is eligible for a grant under this subsection if—

"(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

"(B) it provides to the Secretary a plan acceptable to the Secretary for establishing and maintaining a computerized traffic safety recordkeeping system.

"(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal years 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provisions of subsection (c) of this section.".

SEC. 6. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. National minimum drinking age

23 USC 158.

Alcohol and alcoholic beverages.
23 USC 104.

"(a)(1) The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

"(2) The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age.

"(c) As used in this section, the term 'alcoholic beverage' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

26 USC 5052.

"(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

"(3) distilled spirits as defined in section 5002(a)(8) of such Code.".

26 USC 5002.

(b) The table of sections of chapter 1 of such title is amended by adding at the end thereof the following new item:

"158. National minimum drinking age.".

98 STAT. 438

SEC. 7. (a) Section 408(a) of title 23, United States Code, is amended by striking "basic and supplemental".

Grants.

(b) Section 408(d) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) Subject to subsection (c), the amount of a special grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(3) shall not exceed 5 per centum of the amount apportioned to such State for fiscal year 1984 under sections 402 and 408 of this title. Such grant shall be in addition to any basic or supplemental grant received by such State.".

Crimes and misdemeanors.

(c) Section 408(e) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) For the purposes of this section, a State is eligible for a special grant if the State enacts a statute which provides that—

"(A) any person convicted of a first violation of driving under the influence of alcohol shall receive—

"(i) a mandatory license suspension for a period of not less than ninety days; and either

"(ii)(I) an assignment of one hundred hours of community service; or

"(II) a minimum sentence of imprisonment for forty-eight consecutive hours;

"(B) any person convicted of a second violation of driving under the influence of alcohol within five years after a conviction for the same offense, shall receive a mandatory minimum sentence of imprisonment for ten days and license revocation for not less than one year;

"(C) any person convicted of a third or subsequent violation of driving under the influence of alcohol within five years after a prior conviction for the same offense shall—

"(i) receive a mandatory minimum sentence of imprisonment for one hundred and twenty days; and

"(ii) have his license revoked for not less than three years; and

98 STAT. 439

"(D) any person convicted of driving with a suspended or revoked license or in violation of a restriction due to driving under the influence of alcohol conviction shall receive a mandatory sentence of imprisonment for at least thirty days, and shall upon release from imprisonment, receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license.".

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 4616:

HOUSE REPORT No. 98-641 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Apr. 30, considered and passed House.
  June 26, considered and passed Senate, amended.
  June 27, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 29 (1984):
  July 17, Presidential statement.

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98 STAT. 1703

Public Law 98-443
98th Congress

An Act

Oct. 4, 1984
[H.R. 5297]

To amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil Aeronautics Board Sunset Act of 1984.

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

49 USC app. 1301 note.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

49 USC app. 1301 note.

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(b)(1)(C) is amended by striking out "Justice" and inserting in lieu thereof "Transportation".

49 USC app. 1551.

(b) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(c) Section 1601(a) is amended by adding at the end thereof the following:

Effective dates.

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401 (l) and (m) and 405 (b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

49 USC app. 1371, 1375.

"(B) Section 403 of this Act.

49 USC app. 1373.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

49 USC app. 1374.

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Sections 407 (b) and (c) of this Act.

49 USC app. 1377.

"(B) Section 410 of this Act.

49 USC app. 1380.

"(C) Section 417 of this Act.

49 USC app. 1387.

"(D) Sections 1002 (d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

49 USC app. 1482.

"(6) Sections 412 (a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412 (a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

49 USC app. 1382.

49 USC app. 1384.

98 STAT. 1704

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sections 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

49 USC app. 1378, 1379, 1384.

"(8) Sections 401 (l) and (m) and 405 (b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.".

Alaska, mail transportation.

49 USC app. 1371, 1375.

(d) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

Alaska, mail transportation.

49 USC app. 1551.

(e) Section 1601(b)(1) is amended by adding at the end thereof the following:

Effective date.

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.".

Alaska, mail transportation.
Effective date.

(f) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.".

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

49 USC app. 1553.

SEC. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

49 USC app. 1159b.
49 USC app. 1151 note.

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151–1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

15 USC 1692*l*.

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

Alaska, mail transportation.

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

98 STAT. 1705

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

Effective date.

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

Alaska, mail transportation.
Effective date.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

COLLECTION OF DATA

SEC. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

49 USC app. 1441.

"(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;".

Effective date.
49 USC 329 note.

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

49 USC app. 1551 note.

49 USC app. 1378.

49 USC app. 1379.

49 USC app. 1382.

49 USC app. 1384.

SEC. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding.

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INCORPORATION BY REFERENCE

49 USC app. 1381.

SEC. 7. (a) Section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "SEC. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, to the extent such incorporation by reference is in accordance with regulations issued by the Board.".

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS".

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition.".

and inserting in lieu thereof

"Sec. 411. Methods of competition.
  "(a) Investigations.
  "(b) Incorporation by reference.".

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

49 USC app. 1371 note.

SEC. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

49 USC app. 1371, 1388.

MISCELLANEOUS AMENDMENTS

49 USC app. 1301.

SEC. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All-cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.".

49 USC app. 1388.

(2) Section 418(b)(3) is repealed.

49 USC app. 1537.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,".

49 USC app. 1159a.

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

49 USC app. 1159b.

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

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(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chairman, Civil Aeronautics Board.". Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board.".

(f) Section 3726(b)(1) of title 31, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

49 USC app. 1301 note.

(g)(1) Sections 3401 (b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

49 USC app. 1301.

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

Effective date.

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation and the Postal Service under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail.".

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(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board,".

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "commission, board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691c(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics Authority,".

26 USC 47.

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

26 USC 7701.

(q) Section 7701(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

49 USC app. 1389.

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

49 USC app. 1382.

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

49 USC app. 1377.

49 USC app. 1371, 1372, 1388, 1389.

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspond-

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ence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection.".

49 USC app. 1305.

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

Effective date. 5 USC 5314 note.

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

49 USC app. 1554.

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred, or transferred in accordance with any other lawful authority, shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

49 USC app. 1551.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

49 USC app. 1555.
5 USC 5401 *et seq.*
5 USC 5402.

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

98 STAT. 1710

5 USC 5402.

5 USC 4301 *et seq.*

49 USC app. 1551.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges— 49 USC app. 1556.

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

49 USC app. 1551.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed 49 USC app. 1551.

to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

49 USC app. 1557.

SEC. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

ACCESS FOR HANDICAPPED PERSONS

49 USC app. 1304.

29 USC 792.

SEC. 14. Section 104 is amended by adding at the end thereof the following new sentence: "In the furtherance of such right, the Board or the Secretary, as the case may be, shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973, prior to issuing or amending any order, rule, regulation, or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped persons.".

STUDY OF TRANSPORTATION TO AND FROM WASHINGTON DULLES AIRPORT

49 USC app. 2423 note.

98 STAT. 1712

SEC. 15. (a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, District of Columbia metrorail system and Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, magnetic levitation systems, and any other appropriate transportation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this Act.

AIR SERVICE IN THE STATE OF ALASKA

49 USC app. 1389 note.

49 USC app. 1389.

Effective date.

SEC. 16. (a)(1) Notwithstanding any other provision of law, with respect to air transportation to each of the points in Alaska listed in paragraph (4), essential air transportation for purposes of section 419 of the Federal Aviation Act of 1958 shall neither be specified at a level of service nor operated with aircraft of lesser seating and cargo capacity than provided for in CAB Order 80-1-167 and its Appendices unless otherwise specified under an agreement between the Department of Transportation and the State of Alaska, after consultation with the community affected. This paragraph shall cease to be in effect on January 1, 1987.

(2) Notwithstanding any other provision of law, the total amount of compensation which may be paid under section 419 of the Federal Aviation Act of 1958 with respect to the points in Alaska listed in paragraph (4) shall not exceed $3,572,778 for each of the fiscal years

1985 and 1986 and shall not exceed $893,195 for service provided during the period beginning October 1, 1986, and ending at the close of December 31, 1986.

(3) The Secretary of Transportation shall study the feasibility of providing essential air transportation to each of the points in Alaska listed in paragraph (4) with aircraft having a smaller capacity than that required by paragraph (1), the level of compensation which would be required under section 419 of the Federal Aviation Act of 1958 for such transportation, and the impact of using such aircraft on the air transportation system in Alaska. The Secretary shall complete such study and submit a report of the results of such study to Congress not later than January 1, 1986.

Report.

(4) The points in Alaska referred to in paragraphs (1), (2), and (3) are Cordova, Yakutak, Gustavus, Petersburg, and Wrangell.

(b) Notwithstanding any other provision of law, no part of the order of the Civil Aeronautics Board in CAB docket number 38961 (CAB Order 84-6-77) shall enter into effect until after December 31, 1984.

Effective date.

Approved October 4, 1984.

LEGISLATIVE HISTORY—H.R. 5297:

HOUSE REPORTS: No. 98-793 (Comm. on Public Works and Transportation) and No. 98-1025 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 5, considered and passed House.
Aug. 8, considered and passed Senate, amended.
Sept. 19, House agreed to conference report.
Sept. 20, Senate agreed to conference report.

Public Law 98-464
98th Congress

98 STAT. 1821

An Act

To authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.

Oct. 11, 1984
[S. 2688]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,472,000, for the fiscal year ending September 30, 1985.".

(b) Section 17(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $3,728,000, for the fiscal year ending September 30, 1985.".

SEC. 2. (a) Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(3) $900,000, for the fiscal year ending September 30, 1985.".

(b) Section 214(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(b)) is amended by—

(1) striking "and" at the end of paragraph (1);

(2) striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph: "(3) $500,000, for the fiscal year ending September 30, 1985.".

Sec. 3. (a) Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

(b) Section 213(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012(a)) is amended by—

(1) striking "to the President for transmittal"; and

(2) striking "June 15" and inserting in lieu thereof "April 15".

Methanol pipeline study.

Sec. 4. (a) The Secretary of Transportation shall study issues relating to the transportation of methanol through the interstate liquid pipeline system in the United States and shall make recommendations for the safe and efficient transportation of methanol through such pipeline system.

98 STAT. 1822

(b) Such study shall include an examination of—

(1) the feasibility of such transportation;

(2) the economics and engineering of such transportation; and

(3) any environmental, health and safety problems associated with such transportation.

Report.

(c) The Secretary shall submit to the Congress a report detailing the results of such study and setting forth the Secretary's recommendations no later than one hundred and eighty days after the date of enactment of this Act.

Sec. 5. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2009) is amended by adding at the end thereof the following new subsection:

Study.

"(c)(1) The Secretary shall study the feasibility of and costs connected with requiring various methods of testing and inspecting hazardous liquid pipeline facilities subject to the provisions of this title. In carrying out such study, the Secretary shall evaluate any new technologies available for monitoring, from the outside or the inside, the condition of such facilities.

"(2) The Secretary shall make recommendations, based on the study undertaken under this subsection and on consultations between the Secretary and the Technical Hazardous-Liquid Pipeline Safety Standards Committee established under section 204 of this title, as to the frequency and type of testing and inspection of pipeline facilities which should be required, taking into account—

49 USC app. 2003.

"(A) the location of the pipeline facilities;

"(B) the type, age, manufacturer, method of construction, and condition of the pipeline facilities;

"(C) the nature of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported;

"(D) the climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas;

"(E) the frequency of leaks, if any;

"(F) the costs of the various available methods; and

"(G) any other factors the Secretary determines to be relevant to the safety of the pipeline facilities.

Report.

"(3) The Secretary shall submit to the Congress a report detailing the results of the study undertaken under this subsection and setting forth the recommendations made under paragraph (2) no later than one year after the date of enactment of this subsection.".

Reports.
49 USC app. 1682 note.

Sec. 6. (a) Each person who owns or operates interstate transmission facilities shall, within one hundred and eighty days after the date of enactment of this section, submit a report to the Secretary of Transportation which—

(1) identifies the location and condition of all such pipeline facilities owned or operated by such person, the construction of which was completed before January 1, 1940; and

(2) includes the most recent leak survey information compiled by such owner or operator with respect to the pipeline facilities so identified.

(b) The Secretary shall, within ninety days after the expiration of the one hundred and eighty-day period referred to in subsection (a) of this section—

Identification and inspection.

(1) identify, on the basis of information contained in reports submitted under subsection (a) of this section, any pipeline facilities which may be hazardous to life and property within the meaning of section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)); and

(2) inspect the pipeline facilities so identified.

(c) The Secretary shall, within one hundred and twenty days after the expiration of the one hundred and eighty-day period referred to in subsection (a) of this section, report to the Congress on—

Report.

(1) any actions taken under subsection (b) of this section; and

(2) the recommendations of the Secretary for any additional action the Secretary considers necessary with respect to the pipeline facilities referred to in subsection (a)(1) of this section, together with an estimate of the time and resources necessary for undertaking such actions.

(d) As used in this section, the term—

(1) "interstate transmission facilities" shall have the meaning given to such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8));

(2) "person" shall have the meaning given to such term in section 2(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(1)); and

(3) "pipeline facilities" shall have the meaning given to such term in section 2(4) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(4)).

SEC. 7. (a) Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

(b) Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010(a)) is amended by adding at the end thereof the following: "In conducting training activities for State or local government personnel in the enforcement of regulations issued under this Act, the Secretary may not assess any charge or fee in the nature of tuition.".

Approved October 11, 1984.

LEGISLATIVE HISTORY—S. 2688 (H.R. 5313):

HOUSE REPORTS: No. 98-780, Pt. 1 (Comm. on Public Works and Transportation) and Pt. 2 (Comm. on Energy and Commerce) both accompanying H.R. 5313.

SENATE REPORT: No. 98-456 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 130 (1984):

June 21, considered and passed Senate.

June 25, H.R. 5313 considered and passed House; S. 2688, amended, passed in lieu.

Sept. 21, Senate concurred in House amendment with an amendment.

Sept. 26, House concurred in Senate amendment.

98 STAT. 1825

Public Law 98-466
98th Congress

An Act

Oct. 11, 1984
[S. 197]

To direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Aircraft and air carriers.
Health.
Safety.
49 USC app. 1303 note.

SECTION 1. (a) The Secretary of Transportation shall, in the interest of health and safety, and in the interest of promoting and maintaining a superior United States aviation industry, commission an independent study by the National Academy of Sciences. The study shall determine whether civil commercial aviation industry practices and standards and Federal Aviation Administration rules, regulations, and minimum standards are nondiscriminatory and at least in conformance and parity with nonaviation standards, practices, and regulations for the appropriate maintenance of public and occupational health and safety (including de facto circumstances) in relation to airline cabin air quality for all passengers and crew aboard civil commercial aircraft.

(b) In conducting the study, special and objective considerations shall be given to the uniqueness of the environment onboard civil commercial aircraft. The study shall focus on all health and safety aspects of airline cabin air quality, including but not limited to—

(1) the quantity of fresh air per occupant and overall quality of air onboard;

(2) the quantity and quality of humidification;

(3) onboard environmental conditions and contamination limits, including exposure to radiation;

(4) emergency breathing equipment, including toxic fume-protective breathing equipment;

(5) measures, procedures, and capabilities for detecting and extinguishing fires and the removal of smoke and toxic fumes within safe pressurization limits;

Public information.

(6) safe pressurization of the aircraft, considering the broad range of cardiopulmonary health of the traveling public, and dissemination of information to the medical profession and the general public of current pressurization limits and practices to assure valid medical advice concerning the health effects of air travel;

(7) the feasibility of collection and dissemination by the aviation industry, the Federal Aviation Administration, or any other private or governmental organization of a data base of medical statistics and environmental factors relating to air travel, including but not limited to, maintenance and operation records and procedures of aircraft, in an effort to assess the adequacy of aircraft systems, design, regulations, standards and practices relating to airline cabin air quality from the standpoint of health and safety, and for the purpose of issuing Federal Aviation Administration administrative advisory circulars and airworthiness directive regulations to correct any deficiencies disclosed;

98 STAT. 1826

(8) the adequacy of current preflight and inflight health and safety instructions for air travelers that relate to airline cabin air quality, including but not limited to, life safety procedures during inflight fire, smoke, and toxic fume emergencies; and

(9) a comparison of foreign industry practices, regulations, and standards.

(c) In conducting the study, special care shall be taken to assure that all existing studies, recommendations, data, and state of the art technology relevant to the health and safety aspects of airline cabin air quality are considered.

(d) In conducting the study, the National Academy of Sciences shall consult with and solicit the views of academic experts, representatives of airline labor, the aviation industry and independent experts and organizations.

(e) The study shall include such recommendations for legislative, regulatory, and industry changes as the National Academy of Sciences determines to be advisable for promotion of health and safety in relation to airline cabin air quality.

49 USC app. 1303 note.

SEC. 2. The Secretary of Transportation shall submit a copy of the study, as it was prepared by the National Academy of Sciences, to the Congress within eighteen months after the date of enactment of this Act. At such time the Secretary shall also set forth such comments on the matters covered by the study and such recommendations for legislative, regulatory, and industry changes as the Secretary determines to be necessary.

Appropriation authorization.
49 USC app. 1303 note.

SEC. 3. There is authorized to be appropriated not to exceed $500,000 for the fiscal year commencing October 1, 1984, to carry out the study authorized by this Act. Such funds shall remain available for obligation until expended.

Approved October 11, 1984.

LEGISLATIVE HISTORY—S. 197:

SENATE REPORT No. 98-468 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 15, considered and passed Senate.
Oct. 1, considered and passed House.

Public Law 98-554
98th Congress

98 STAT. 2829

An Act

To provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes.

Oct. 30, 1984
[S. 2217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tandem Truck Safety Act of 1984.

TITLE I

SHORT TITLE

49 USC app. 2301 note.

SEC. 101. This title may be cited as the "Tandem Truck Safety Act of 1984".

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

98 STAT. 2830

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. Before making such determination, the Secretary shall consider any possible alternative route that serves the area in which such segment is located.

98 STAT. 2831

"(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

"(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.".

CONFORMING AMENDMENTS

SEC. 104. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (i) of this section, no";

(2) by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways"; and

(3) by striking out "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in this part referred to as the 'Secretary'),".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(c)) is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Highways".

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)" after "Highway System".

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by striking out "No" and inserting in lieu thereof "Except as provided in subsection (e) of this section, no"; and

(2) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways".

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(d)) is amended—

(1) by inserting "(other than a segment exempted under subsection (e) of this section)" after "Highways"; and

(2) by striking out ", with traffic lanes designed to be a width of twelve feet or more".

DESIGNATION OF HIGHWAYS SUBJECT TO WIDTH LIMITATION

SEC. 105. Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by inserting after "more" the second place it appears the following: ", or any other qualifying Federal-aid Primary

98 STAT. 2832

System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety"; and

(2) by adding at the end of such section the following new sentence: "After the date of the enactment of this sentence, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.".

REASONABLE ACCESS

SEC. 106. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended—

(1) by inserting "(a)" after "Sec. 412."; and

(2) by striking out the period at the end thereof and inserting in lieu thereof the following: "and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.

"(b) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.".

Ante, p. 2831.

Motor Carrier Safety Act of 1984.

TITLE II

SHORT TITLE

49 USC app. 2501 note.

SEC. 201. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

49 USC app. 2501.

SEC. 202. The purposes of this title are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

FINDINGS

49 USC app. 2502.

SEC. 203. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

98 STAT. 2833

DEFINITIONS

49 USC app. 2503.

SEC. 204. For purposes of this title, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act;

(2) "employee" means—

(A) an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; and

(D) any individual other than an employer;

who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or any political subdivision of a State who is acting within the course of such employment;

(3) "employer" means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, or any political subdivision of a State;

(4) "interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States;

(5) "intrastate commerce" means any trade, traffic, or transportation in any State which is not described in paragraph (4);

(6) "person" means any individual, partnership, association, corporation, business trust, and any other organized group of individuals;

(7) "regulation" includes any rule, standard, and order;

(8) "Safety Panel" means the Commercial Motor Vehicle Safety Regulatory Review Panel established under section 209 of this Act;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means a State of the United States and the District of Columbia and, for purposes of sections 206, 207, 208, 210, and 218, includes a political subdivision of a State;

(11) "State law" includes any law enacted or adopted by a political subdivision of a State;

(12) "State regulation" includes any regulation issued by a political subdivision of a State; and

(13) "United States" means the 50 States and the District of Columbia.

DUTIES

49 USC app. 2504.

SEC. 205. Each employer and employee shall comply with regulations pertaining to commercial motor vehicle safety issued by the Secretary under this title which are applicable to his or her own actions and conduct.

FEDERAL REGULATIONS

49 USC app. 2505.

SEC. 206. (a) Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue regulations pertaining to commercial motor vehicle safety. Such regulation shall establish minimum Federal safety standards for commercial motor vehicles and shall, at a minimum, ensure that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon operators of commercial

motor vehicles do not impair their ability to operate such vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely; and

(4) the operation of commercial motor vehicles does not have deleterious effects on the physical condition of such operators.

(b) The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act.

(c)(1) All regulations under this section shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in this subsection shall apply to the issuance of such regulations.

(2) Before issuing such regulations, the Secretary shall, to the extent practicable and consistent with the purposes of this Act, consider (A) costs and benefits, and (B) State laws and regulations pertaining to commercial motor vehicle safety in order to minimize unnecessary preemption of such State laws and regulations under this Act.

(d) If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after the date of the enactment of this Act, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary shall transmit to the Congress current data regarding the information specified in the preceding sentence at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

(e) If the Secretary does not issue regulations pertaining to commercial motor vehicle safety in accordance with this section, regulations pertaining to commercial motor vehicle safety which the Secretary issued before such date of enactment and in effect on such date of enactment shall, for purposes of this title, be deemed to be regulations issued by the Secretary under this section.

98 STAT. 2835

(f) After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive application of the regulations issued under this section with respect to schoolbuses, as defined in section 102(14) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(14)), unless the Secretary determines that making such regulations applicable to such schoolbuses is necessary for public safety taking into account all Federal and State laws applicable to such schoolbuses. Any waiver authorized under this subsection shall be published in the Federal Register, together with the reasons for such waiver.

(g) Any final agency action taken under this section shall be subject to judicial review under chapter 7 of title 5, United States Code.

5 USC 701 *et seq.*

(h) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of such requirement.".

SUBMISSION OF STATE REGULATIONS FOR REVIEW

SEC. 207. (a) Any State which enacts, adopts, issues, or has in effect any law or regulation pertaining to commercial motor vehicle safety and is interested in having in effect and enforcing such law or regulation after the last day of the 60-month period beginning on the date of the enactment of this Act shall, before the last day of the 6-month period beginning on such date of enactment, submit to the Secretary and the Safety Panel a copy of such law or regulation.

49 USC app. 2506.

(b) Any State which enacts, adopts, or issues any law or regulation pertaining to commercial motor vehicle safety after the last day of the 6-month period beginning on the date of the enactment of this Act shall (immediately after such enactment, adoption, or issuance) submit to the Secretary and the Safety Panel a copy of such law or regulation.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

(d) As soon as practicable but not later than such time as the Safety Panel may establish, any State which submits a law or regulation under this section to the Safety Panel—

(1) shall indicate, in writing, to the Safety Panel if such law or regulation—

(A) has the same effect as;

(B) is less stringent than; or

(C) additional to or more stringent than;

any regulation issued by the Secretary under section 6; and

(2) shall submit to the Safety Panel such other information as the Safety Panel or the Secretary may require to carry out the objectives of this title.

98 STAT. 2836

(e) If any State fails to submit any State law or regulation pertaining to commercial motor vehicle safety in accordance with this section, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.

REVIEW AND PREEMPTION OF STATE REGULATIONS

SEC. 208. (a) After the last day of the 60-month period beginning on the date of the enactment of this Act, no State may have in effect or enforce with respect to commercial motor vehicles any State law or regulation pertaining to commercial motor vehicle safety which the Secretary finds under this section may not be in effect and enforced.

49 USC app. 2507.

(b)(1) Not later than 18 months after the date of the enactment of this Act and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.

(2) Within 12 months after the date on which the Secretary issues any regulation under section 206 or within 12 months after the date on which a State law or regulation is determined under paragraph (1) to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel—

(A) shall determine if such law or regulation—

(i) has the same effect as;

(ii) is less stringent than; or

(iii) is additional to or more stringent than;

the regulation issued by the Secretary under section 206; and

(B) shall determine with respect to any State law or regulation which is determined under subparagraph (A) to be additional to or more stringent than the regulation issued by the Secretary under section 206 if—

(i) there is no safety benefit associated with such State law or regulation;

(ii) such State law or regulation is incompatible with the regulation issued by the Secretary under section 206; or

(iii) enforcement of such State law or regulation would be an undue burden on interstate commerce; and

(C) shall notify the Secretary of the determinations made under this subsection with respect to such State law or regulation.

Regulations.

(c)(1) The Secretary shall review each State law and regulation pertaining to commercial motor vehicle safety. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation under subsection (b), the Secretary (A) shall conduct a rulemaking proceeding to determine in accordance with the provisions of this subsection whether or not such law or regulation may be in effect and enforced with respect to commercial motor vehicles, and (B) shall issue a final rule in such rulemaking proceeding.

(2) If the Secretary finds that the State law or regulation has the same effect as a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

98 STAT. 2837

(3) If the Secretary finds that the State law or regulation is less stringent than a regulation issued by the Secretary under section 206, the State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(4) If the Secretary finds that the State law or regulation is additional to or more stringent than a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act; except that if the Secretary finds that—

(A) there is no safety benefit associated with such State law or regulation;

(B) such State law or regulation is incompatible with the regulation issued by the Secretary under section 6; or

(C) enforcement of such State law or regulation would be an undue burden on interstate commerce;

such State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of such 60-month period.

(5)(A) In making any determination with respect to any State law or regulation under this subsection, the Secretary shall give great weight to the corresponding determination made by the Safety Panel with respect to such State law or regulation under subsection (b).

(B) In determining under paragraph (4) whether or not a law or regulation of a State will unduly burden interstate commerce, the Secretary may consider the effect upon interstate commerce of implementation of such law or regulation along with implementation of all similar laws and regulations of other States.

(d)(1) Any person (including any State) may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation may not be in effect and enforced under this section. The Secretary shall grant such waiver, as expeditiously as possible, if such person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles.

(2) The decision to grant or deny a petition for a waiver submitted under this subsection shall only be made after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

(e) The Secretary may consolidate rulemaking proceedings under this section if the Secretary determines that such consolidation will not adversely affect any party to any of such proceedings.

(f) Not later than 10 days after making a determination under subsection (c) that a State law or regulation may not be in effect and enforced, the Secretary shall notify, in writing, such State of such determination.

(g)(1) Not later than 60 days after the Secretary makes a determination under subsection (c) with respect to a State law or regulation or grants or denies a petition for a waiver under subsection (d), any person (including any State) adversely affected by such determination or the grant or denial of such petition may file, with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such determination or the grant or denial of such petition. Courts, U.S.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review in accordance with chapter 7 of title 5, United States Code, such determination or the grant or denial of the petition for such waiver and to grant appropriate relief, including interim relief, as provided in such chapter. 5 USC 701 *et seq.*

98 STAT. 2838

(3) The judgment of the court affirming or setting aside, in whole or in part, any such determination or the grant or denial of the petition for such waiver shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(h) The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period referred to in section 207(a) and subsections (a) and (c) of this section.

(i) After the last day of the 48-month period beginning on the date of the enactment of this Act, the Secretary, on his or her own initiative or on petition of any interested person (including any State), may initiate a rulemaking proceeding to review under this section any State law or regulation pertaining to commercial motor vehicle safety.

COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL

Sec. 209. (a) As soon as practicable after the date of enactment of this Act, the Secretary shall establish a panel to analyze and review State laws and regulations under sections 207 and 208 of this Act. The panel established under this section shall be known as the "Commercial Motor Vehicle Safety Regulatory Review Panel". 49 USC app. 2508.

(b) The Safety Panel shall—

(1) carry out those duties designated to be carried out by the Safety Panel under sections 207 and 208 of this Act;

(2) conduct a study—

(A) to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued by the Secretary under section 206; and

(B) to determine other methods of furthering the objectives of this title; and

(3) make recommendations to the Secretary based on the results of such study.

(c) The Safety Panel shall be composed of 15 members as follows:

(1) The Secretary or his or her delegate.

(2) Seven individuals appointed by the Secretary from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(3) Seven individuals appointed by the Secretary from among persons who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted

to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half of such appointments, from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of such committees shall submit to the Secretary the names of twenty individuals qualified to serve on the Safety Panel.

98 STAT. 2839

(d)(1) A vacancy in the Safety Panel shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(2) Eight members of the Safety Panel shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(3) The Chairman of the Safety Panel shall be the Secretary.

(4) The Safety Panel shall meet at the call of the Chairman or a majority of its members.

(5) Members of the Safety Panel shall be appointed for a term of seven years.

(6) Members of the Safety Panel shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5, United States Code.

(e) Upon request of the Safety Panel, the Secretary shall detail such of the personnel of the Department of Transportation to the Safety Panel as may be necessary to assist the Safety Panel in carrying out its duties under this title.

(f) Upon request of the Safety Panel, the Secretary shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary for the Safety Panel to carry out its duties under this title.

(g) The Safety Panel or any member authorized by the Safety Panel may, for the purpose of carrying out the duties of the Safety Panel under this title, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel under this title. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.

(h) Subject to such rules as the Safety Panel may prescribe, the Chairman of the Safety Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

INSPECTION

49 USC app. 2509.

SEC. 210. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations.

Regulations.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles and retention by employers of records of such inspections. Such standards shall provide for annual or more frequent inspections of commercial motor vehicles unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. For purposes of this title, such standards shall be deemed to be regulations issued by the Secretary under section 206.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to afford interested parties an opportunity to comment on such part 393 and the inspection and retention procedures established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than one year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

Federal Register, publication. Effective date.

(d)(1) Except as provided in paragraph (2), nothing in section 402 of the Surface Transportation Assistance Act of 1982 or section 208 or any other provision of this title shall be construed as—

49 USC app. 2302.

(A) preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which the Secretary determines is as effective as the Federal standards established under subsection (b);

(C) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which meets the requirements for membership in the Commercial Vehicle Safety Alliance as such requirements were in effect on the date of the enactment of this Act; and

(D) requiring any State which has in effect and is enforcing a program described in subparagraph (B) or (C) to enforce any Federal standard established under subsection (b) or to adopt any provision pertaining to inspection of commercial motor vehicles in addition to such program in order to comply with such Federal standards.

(2) If, after notice and an opportunity for a hearing, the Secretary determines that any State which has in effect and is enforcing a program described in paragraph (1)(C) of this subsection is not enforcing such program in a manner which achieves the objectives of this section, and if, after making such determination, the Secretary provides such State with a six month period in which to improve the enforcement of such program to achieve the objectives of this section, the Federal standards established under subsection (b) shall preempt such program with respect to the inspection of commercial motor vehicles in such State and such program shall not be in effect and enforced with respect to such vehicles.

(e) A periodic inspection of a commercial motor vehicle in accordance with the Federal standards established under subsection (b) or in accordance with a program described in subparagraph (B) or (C) of subsection (d)(1) which is in effect and being enforced shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

(f) The Federal standards established under subsection (b) shall have no effect and shall not be enforced with respect to the inspection of commercial motor vehicles in any State which has in effect and is enforcing a program described in subparagraph (B) or (C) of subsection (d)(1) if the Secretary determines that such Federal standards not having effect and being enforced with respect to such inspection is in the public interest and consistent with public safety.

98 STAT. 2841

POWERS OF THE SECRETARY

SEC. 211. (a) The Secretary may conduct, directly or indirectly, such studies and such development, demonstration, and training activities as the Secretary considers appropriate to develop regulations authorized to be issued under section 206 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such regulations.

49 USC app. 2510.

(b) In carrying out the Secretary's functions under this title, the

Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for studies, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or regulations issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State which is receiving a grant under such section such functions respecting the enforcement (including investigations) of the provisions of this title and regulations issued under this title as the Secretary determines appropriate to carry out such provisions and regulations.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

49 USC app. 2511.

SEC. 212. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a substantial violation of any regulation issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

Confidentiality.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 213. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d), and any references thereto, as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

Courts, U.S.

Ante, p. 2832.

"(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.".

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

49 USC 3102.

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of a recordkeeping requirement issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed $1,000 for each offense; except that the maximum fine for each such pattern of safety violations shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense. Notwithstanding any other provision of this section, except for recordkeeping violations, no civil penalty shall be assessed under this section against an employee for a violation unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984, as the case may be.

98 STAT. 2843

49 USC 3102.
Ante, p. 2832.
Courts, U.S.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984 or a regulation issued under such section or Act, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title, the Motor Carrier Safety Act of 1984, or a regulation issued under such section or Act shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed $2,500.

Regulations.

"(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

Courts, U.S.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

98 STAT. 2844

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

18 USC app.

"(12) The provisions of this subsection shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation promulgated by the Secretary under such Act.

"(13) As used in this subsection, the terms 'commercial motor vehicle', 'employee', 'employer', and 'State' have the meaning such terms have under section 4 of the Motor Carrier Safety Act of 1984.".

Ante, p. 2833.

(c) Section 526 of title 49, United States Code, is amended—

(1) by inserting after "chapter" the first place it appears the following: ", section 3102 of this title, or the Motor Carrier Safety Act of 1984"; and

(2) by inserting after "chapter" the second and third places it appears the following: "or such section or Act".

Study.
49 USC 521 note.

(d) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established by the amendments made by this section in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by the amendments made by by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further, and prosecute effectively, violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report

Report.

on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

LITIGATION AUTHORITY

SEC. 214. Section 413 of Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

CERTIFICATION OF SAFETY FITNESS

Regulations. 49 USC app. 2512.

SEC. 215. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of title 49, United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all Federal rules regarding safety fitness and safety rating of motor carriers in effect on the date of enactment of this Act.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission (1) shall find any applicant for authority to operate as a motor carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and (2) shall deny such application.

HEAVY TRUCK STUDY

49 USC app. 2513.

SEC. 216. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. Not later than September 30, 1986, the Secretary shall submit to the Congress a report on the findings of such study.

Report.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to conduct the study required under subsection (a) of this section.

Appropriation authorization.

TRUCK OCCUPANT PROTECTION

Study. 49 USC app. 2514.

SEC. 217. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. Such study shall also include potential performance standards, if any, to be met by truck manufacturers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of the enactment of this Act.

Report.

Appropriation authorization.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by subsection (a) of this section.

STUDY OF SAFETY PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

49 USC app. 2515.

SEC. 218. (a) The Secretary shall conduct a study of the safety performance of commercial motor vehicles. The study shall examine the effectiveness of individual State regulations governing the operations of such vehicles in promoting safety. Such study shall also investigate the need to subject such operations, in whole or in part, to the commercial motor vehicle safety regulations issued under this title. The Secretary shall submit to Congress a report on the findings of the investigation and study conducted under this subsection not later than two years after the date of the enactment of this Act.

Report.

98 STAT. 2846

(b) For purposes of this subsection, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in intrastate commerce to transport passengers or property if such vehicle is described in subparagraph (A), (B), or (C) of section 204(1) of this Act.

STUDY OF SAFETY-RELATED DEVICES

49 USC app. 2516.

SEC. 219. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 18 months after the date of the enactment of this Act.

Report.

Appropriation authorization.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by this section.

SAFETY STUDY; FEDERAL COORDINATION

49 USC app. 2517.

SEC. 220. (a) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within one year after the date of the enactment of this Act.

(b) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination and to avoid overlap and the imposition of undue burdens on persons subject to regulations under this title.

RELATIONSHIP TO OTHER LAW

49 USC app. 2518.

SEC. 221. Except as provided in section 206(b), the provisions of this title and the regulations issued under this title shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation issued by the Secretary under such Act.

AMENDMENT TO THE MOTOR CARRIER ACT OF 1980

SEC. 222. (a) Section 30(b)(3) of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note) is amended—

98 STAT. 2847

(1) by striking out "and" at the end of clause (A); and

(2) by striking out the period at the end of such section and inserting in lieu thereof the following: ", and (C) in the case of any farm vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.".

(b) Section 30(g) of such Act is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and inserting before paragraph (2), as so redesignated, the following new paragraph:

49 USC 10927 note.

"(1) 'farm vehicle' means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined under section 10102 of title 49, United States Code), and (C) is only incidentally operated on highways;".

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 223. Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended—

(1) in paragraph (2) by striking out "two years after the date of the enactment of this title," and inserting in lieu thereof "one year after the date on which the standards are established under paragraph (1) of this subsection,"; and

(2) in paragraph (3) by striking out "five years after the date of the enactment of this title," and inserting in lieu thereof "four years after the date on which the standards are established under paragraph (1) of this subsection,".

FOREIGN BUS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

SEC. 224. Section 18(d) of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10927 note) is amended—

(1) by striking out "(d) Financial" and inserting in lieu thereof "(d)(1) Subject to paragraph (2) of this subsection, financial"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle by subparagraph (A) of this paragraph.".

EXTENSION OF MORATORIUM ON CERTIFICATION OF FOREIGN MOTOR CARRIERS

SEC. 225. (a) Section 10922(l)(1) of title 49, United States Code, is amended by striking out "two-year" each place it appears and inserting in lieu thereof "four-year".

98 STAT. 2848

(b) The second sentence of such section is amended by inserting after "such moratorium" the following: "or impose such a moratorium".

(c) The amendments made by this section shall take effect on September 19, 1984.

Effective date.
49 USC 10922 note.

CERTIFICATES OF REGISTRATION FOR FOREIGN MOTOR CARRIERS

SEC. 226. (a)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10530.

"§ 10530. Certificates of registration for certain foreign carriers

"(a) In this section—

"(1) 'registrable year' means the six-month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter.

"(2) 'foreign motor carrier' means a motor carrier of property—

49 USC 10922.
49 USC 10923.

"(A) which does not hold a certificate issued under section 10922 of this title or a permit issued under section 10923 of this title; and

"(B)(i) which is domiciled in any contiguous foreign country; or

"(ii) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(3) 'foreign motor private carrier' means a motor private carrier—

"(A) which is domiciled in any contiguous foreign country; or

"(B) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

49 USC 10526.

"(4) 'exempt items' means items described in paragraphs (4), (6), (11), (12), (13), and (15) of section 10526(a) of this subchapter and items transported under paragraph (5) of such section.

49 USC 10521.

"(5) 'interstate transportation' means transportation described in section 10521(a) of this subchapter and transportation in the United States exempt from the jurisdiction of the Commission under section 10526(b)(1) of this subchapter.

"(b)(1) Except as provided in this section, no foreign motor carrier may provide interstate transportation of exempt items in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

"(2) Except as provided in this section, no foreign motor private carrier may provide interstate transportation of property (including exempt items) in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

49 USC 10321.
5 USC 551.

"(c) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission shall issue a certificate of registration to any foreign motor carrier authorizing the carrier to provide interstate transportation of exempt items in any registrable year, and to any foreign motor private carrier authorizing the carrier to provide interstate transportation of property (including exempt items) in any registrable year, if—

98 STAT. 2849

"(1) the Commission finds that the carrier is fit, willing, and able—

"(A) to provide the transportation to be authorized by the certificate; and

"(B) to comply with this subtitle and regulations of the Commission; and

26 USC 448
26 USC 44

"(2) the carrier demonstrates to the satisfaction of the Commission that the carrier has paid (or will pay in a timely manner) all taxes imposed by section 4481 of the Internal Revenue Code of 1954 on any motor vehicle which such carrier operated in the United States in the most recent taxable period (as such term is defined under section 4482(c) of such Code) ending before the first day of such registrable year.

"(d) A foreign motor carrier and a foreign motor private carrier must file an application with the Commission for a certificate of registration under this section to provide interstate transportation. The Commission may approve any part of the application or deny the application. The application must—

"(1) be under oath;

"(2) contain such information as the Commission may require by regulation; and

"(3) be filed with the Commission at such times as the Commission may require by regulation.

"(e) The requirement that foreign motor carriers and foreign motor private carriers issued certificates of registration under this section be fit, willing, and able means—

"(1) safety fitness; and

"(2) proof of minimum financial responsibility—

"(A) under section 30 of the Motor Carrier Act of 1980, in the case of a foreign motor carrier or foreign motor private carrier which provides transportation in the United States of an item referred to in subsection (b)(1) of such section; and *Ante*, p. 2846.

"(B) under the laws of the State or States in which the carrier is operating, in the case of a foreign motor private carrier which provides interstate transportation in the United States of property (other than an item referred to in such subsection).

"(f) Each certificate of registration issued under this section shall specify the transportation to be provided under the certificate.

"(g)(1) Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section shall have a copy of such certificate in such motor vehicle at any time such vehicle is being used to provide such transportation.

"(2) The Commission, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration required to be in such vehicle by paragraph (1) of this subsection.

"(h) When a certificate of registration is issued under this section, the Commission may prescribe such conditions on the transportation to be provided under the certificate as may be necessary to carry out the objectives of this section.

"(i)(1) Subject to paragraph (3) of this subsection, this section shall not apply with respect to any contiguous foreign country with respect to which a moratorium is not in effect under section 10922(l) of this title on the effective date of this section.

98 STAT. 2850

"(2) The President of the United States may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies, in writing, the Congress of such waiver before the date on which such waiver is to take effect. In any case in which the requirements of this section apply with respect to a contiguous foreign country which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country, such waiver shall not take effect before the 60th day following the date on which the Congress is notifed of such waiver.

President of U.S.

"(3) The President of the United States may, by order, make the requirements of this section applicable with respect to any contiguous foreign country if—

"(A) the President determines that making such requirements so applicable is in the national interest; and

"(B) the President—

"(i) notifies, in writing, the Congress of the issuance of such order; and

"(ii) has published a copy of such order in the Federal Register;

at least 30 days before such order takes effect.".

Federal Register, publication.

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10530. Certificates of registration for certain foreign carriers.".

(b)(1) The first sentence of section 10922(l)(1) of title 49, United States Code, is amended—

(A) by striking out "or any permit" and inserting in lieu thereof "any permit"; and

(B) by inserting after "contract carrier," the following: "or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier,".

49 USC 10922

(2) Section 10922(l)(2) of such title is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraph:

Ante, p. 2848.

"(B)(i) Subject to the provisions of this subparagraph, during a moratorium imposed under paragraph (1) of this subsection with respect to any contiguous foreign country or political subdivision thereof, the Commission may issue certificates of registration under section 10530 of this subtitle to motor carriers of property and motor private carriers domiciled in such country or political subdivision and to motor carriers of property and motor private carriers owned or controlled by persons of such country or political subdivision.

"(ii) Subject to clause (iv) of this subparagraph, if the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision or is a motor carrier of property owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of exempt items in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

98 STAT. 2851

"(iii) Subject to clause (v) of this subsection, if the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision or is a motor private carrier owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of property (including exempt items) in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

"(iv) If the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of exempt items.

"(v) If the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of property (including exempt items).

Ante, p. 2848.

"(vi) In this subparagraph, the terms 'exempt items' and 'interstate transportation' have the meanings such terms have under section 10530(a) of this title.".

(c)(1) Section 10322(a) of title 49, United States Code, is amended by inserting "10530," after "10525(c),".

49 USC 10927.

(2) The first sentence of section 10927(a)(1) of such title is amended—

(A) by inserting "and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title" after "10923 of this title";

(B) by striking out "or section 18" and inserting in lieu thereof "section 18"; and

(C) by inserting before the period at the end of such sentence ", or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier".

(3) Section 10927(a)(2) of such title is amended by inserting "and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title)" after "A motor carrier".

(4) Section 11701 of such title is amended— 49 USC 11701.

(A) in subsection (a) by inserting after the second sentence the following new sentence: "If the Commission finds that a motor private carrier is violating section 10530 of this subtitle, the Commission shall take appropriate action to compel compliance with such section."; and *Ante*, p. 2848.

(B) by striking out the period at the end of the first sentence in subsection (b) and inserting in lieu thereof "or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title.".

(5) Section 11702(a)(4) of such title is amended by inserting before the semicolon at the end thereof the following: "or by a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title". 49 USC 11702.

(6) Section 11901(g) of such title is amended— 49 USC 11901

(A) by inserting "or transportation provided under a certificate of registration issued under section 10530 of this title" after "chapter 105 of this title";

(B) by striking out ", or (4)" and inserting in lieu thereof ", (4)"; and

(C) by inserting "or (5) does not comply with section 10530 of this title," before "is liable to".

(7) Section 11914(b) of such title is amended— 49 USC 11914.

(A) by striking out "this title," and inserting in lieu thereof "this title"; and

(B) by inserting after "1966," the following: "or a condition of a certificate of registration issued under section 10530 of this title,".

(d) The amendments made by this section shall take effect May 1, 1985, except that the Interstate Commerce Commission may issue before such date such regulations as may be necessary to carry out the amendments made by this section beginning on such date. Effective date. 49 USC 10530 note.

TECHNICAL AMENDMENTS

SEC. 227. (a)(1) Section 11901 of title 49, United States Code, is amended—

(A) in subsection (g) by striking out "(h)" and inserting in lieu thereof "(i)";

(B) by redesignating the subsection beginning "(h)(1) Any person required" and subsections (i), (j), and (k), and any references thereto, as subsections (i), (j), (k), and (l), respectively;

(C) in subsection (j)(1), as redesignated by subparagraph (A), by inserting "of" after "paragraph (3)"; and

(D) in subsection (l)(2), as redesignated by subparagraph (A), by striking out "(i)(1), or (j)" and inserting in lieu thereof "(i), (j)(1), or (k)".

(2) Section 10934(c) of such title is amended by striking out "11901(j)" each place it appears and inserting in lieu thereof "11901(k)". 49 USC 10934.

(3) Section 11348(a) of such title is amended by striking out "(k)(1)" and inserting in lieu thereof "(l)(1)". 49 USC 11348.

(4) Section 2342(5) of title 28, United States Code, is amended by

striking out "11901(i)(2)" and inserting in lieu thereof "11901(j)(2)".

(b)(1) Chapter 107 of title 49, United States Code, is amended by redesignating the second section 10734, and any references thereto, as section 10735.

(2) The analysis for such chapter is amended by striking out "10734. Household" and inserting in lieu thereof "10735. Household".

(c) Section 10526(a) of title 49, United States Code, is amended by redesignating the second paragraph (14), and any references thereto, as paragraph (15).

EMPLOYEE PROTECTION

49 USC app. 2301.

SEC. 228. (a) Paragraph (2) of section 401 of the Surface Transportation Assistance Act of 1982 is amended by striking out ", nor does" and all that follows through the semicolon at the end of such paragraph and inserting in lieu thereof a semicolon.

Effective date. 49 USC app. 2301 note.

(b) The amendment made by subsection (a) shall take effect on the last day of the two year period beginning on the date of the enactment of this Act.

Study. 49 USC app. 2301 note.

Report.

(c) The Secretary, in consultation with the Secretary of Labor, shall conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 should be amended to provide protection to individuals employed by a commercial motor carrier engaged in the transportation of passengers. Not later than twelve months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of such study.

LIMITATION ON AUTHORITY

49 USC app. 2519.

SEC. 229. (a) Nothing in this title confers authority on the Secretary to (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations; except that the Secretary may establish or maintain such Federal regulations to the extent that the subject matter of such regulations is, on the date of the enactment of this Act, regulated under parts 390 to 399 of title 49 of the Code of Federal Regulations.

(b) Nothing in this title confers authority on the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

OVERSIGHT

49 USC app. 2520.

SEC. 230. The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first five years following the date of enactment of this Act, to ensure that this Act is being implemented according to congressional intent and the purposes of this title.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2217:

SENATE REPORT No. 98-505 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
  Oct. 2, considered and passed Senate.
  Oct. 11, considered and passed House, amended; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 44 (1984):
  Oct. 30, Presidential statement.

Public Law 98-557
98th Congress

98 STAT. 2860

An Act

To authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes.

Oct. 30, 1984
[S. 2526]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coast Guard Authorization Act of 1984".

Coast Guard Authorization Act of 1984.
Uniformed services.
Vessels.

AUTHORIZATION OF FUNDS

SEC. 2. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1985 and 1986 as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction, $1,800,000,000 for fiscal year 1985 and $1,950,000,000 for fiscal year 1986; and for increases in salary, pay, and other employee benefits authorized by law, and for the full amount of fixed costs associated with operation of five Coast Guard polar icebreaking vessels manned by Coast Guard military personnel, such sums as may be necessary for each such fiscal year.

Aleutian Islands.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $580,000,000 for fiscal year 1985 (of which $30,000,000 shall be for design, survey, acquisition and construction of a search and rescue facility in Western Alaska to serve the Aleutian Islands) and $680,000,000 for fiscal year 1986 (of which $30,000,000 shall be for construction of such facility).

(3) For research, development, test, and evaluation, $35,000,000 for fiscal year 1985 and $38,000,000 for fiscal year 1986.

(4) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation, $8,700,000 for fiscal year 1985, and such sums as may be necessary for expenses of the Coast Guard for such purposes for fiscal year 1986.

(5) For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, such sums as may be necessary for fiscal years 1985 and 1986.

70 Stat. 250.

PERSONNEL LEVELS

SEC. 3. Notwithstanding any other provision of law, the Coast Guard's full-time equivalent strength levels for fiscal years 1985 and 1986 shall be maintained as follows:

98 STAT. 2861

(1) For active duty military personnel, not less than 39,150 for fiscal years 1985 and 1986, which shall not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code, or Public Health Service officers on active duty with the Coast Guard.

(2) For civilian employees of the Coast Guard, not less than 5,484 for fiscal years 1985 and 1986.

MILITARY TRAINING

SEC. 4. For fiscal years 1985 and 1986, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 3,500 student-years.

(2) For flight training, 118 student-years.

(3) For professional training in military and civilian institutions, 556 student-years.

(4) For officer acquisition, 1,038 student-years.

TRANSFER OF FUNDS

SEC. 5. (a) Whenever the Secretary of the department in which the Coast Guard is operating determines it to be in the national interest, the Secretary may transfer not to exceed 5 percent of the funds appropriated for the purposes described in paragraph (1) or (2) of section 2 of this Act for use for any purpose described in any paragraph of section 2, except that the total available for the purposes for which the funds are transferred shall not be increased by more than 10 percent as a result of the transfer.

Effective date.

(b) No transfer of funds may occur under subsection (a) of this section until 15 days after the Secretary has provided written notification to the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives stating the reasons for the determination and a description of the purposes for which the funds proposed to be transferred will be used.

POLAR ICEBREAKING

SEC. 6. (a) It is the sense of the Congress that the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively and independently in the heavy ice regions of the Arctic and Antarctic.

Reports.

(b) The Secretary of the department in which the Coast Guard is operating shall prepare design and construction plans for the purchase of at least 2 new polar icebreaking vessels to be operational by the conclusion of fiscal year 1990, and shall provide detailed reports to the Congress describing the status of those plans in January 1985 and January 1986. In preparing such plans, the Secretary shall consult with other interested Federal agencies for the purpose of ensuring that all appropriate military, scientific, economic, and environmental interests are taken into account.

98 STAT. 2862

ALCOHOL USE BY BOATERS

97 Stat. 508.

SEC. 7. (a) Section 2302 of title 46, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following:

"(c) An individual who is intoxicated when operating a vessel, as determined under standards prescribed by the Secretary by regulation, shall be—

"(1) liable to the United States Government for a civil penalty of not more than $1,000; or

"(2) fined not more than $5,000, imprisoned for not more than one year, or both.".

97 Stat. 536.
Report.

(b)(1) Section 6101(b) of title 46, United States Code, is amended by adding at the end thereof the following: "Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.".

97 Stat. 536.

(2) Section 6102(a) of title 46, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty".

Ante, p. 1013.

(3) Section 13102(c)(4) of title 46, United States Code, is amended by inserting immediately after "program" the following: ", that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol".

RECREATIONAL BOATING SAFETY AMENDMENTS

SEC. 8. (a) Section 4307(a)(1)(A) of title 46, United States Code, is amended— 97 Stat. 531.

(1) by inserting "(i)" immediately after "(A)";

(2) by striking "or" at the end of clause (i), as so redesignated by paragraph (1) of this subsection, and inserting in lieu thereof "and"; and

(3) by adding at the end thereof the following:

"(ii) it does not contain a defect which has been identified, in any communication to such person by the Secretary or the manufacturer of that vessel, equipment or component, as creating a substantial risk of personal injury to the public; or".

(b) Section 4311(b)(1) of title 46, United States Code, is amended by inserting "defect or the" immediately before "nonconformity". 97 Stat. 534.

(c) Section 4311(f)(1) of title 46, United States Code, is amended by inserting "or that the person was not advised by the Secretary or the manufacturer of that vessel, equipment or component that the vessel, equipment or component contains a defect which creates a substantial risk of personal injury to the public" immediately before the semicolon.

RESCUE SWIMMING PROGRAM

SEC. 9. The Secretary of the department in which the Coast Guard is operating shall use such sums as are necessary, from amounts appropriated for the operation and maintenance of the Coast Guard, to establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills. 14 USC 88 note.

98 STAT. 2863

LIFESAVING EQUIPMENT ON PASSENGER FERRIES

SEC. 10. The Secretary of the department in which the Coast Guard is operating shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries. 14 USC 92 note.

SAN FRANCISCO VTS

SEC. 11. (a) Of the funds authorized to be appropriated by paragraph (1) of section 2 of this Act, such sums as are necessary shall be used to maintain in full operation the vessel traffic service (VTS) system in San Francisco, California, throughout fiscal years 1985 and 1986.

(b) None of the funds authorized to be appropriated by this Act may be used to develop or issue a request for proposals to contract any function or activity involved in operating the vessel traffic service (VTS) system in San Francisco, California, which is, on the date of enactment of this Act, performed by Coast Guard personnel.

(c) None of the funds authorized to be appropriated by this Act may be used to hire, train, or otherwise utilize civilian personnel to replace Coast Guard military personnel involved in operating the vessel traffic service (VTS) system in San Francisco, California, until the Coast Guard has conducted a study in accordance with this subsection and has submitted the results of such study to the Congress. Such study shall identify the costs, efficiencies, and benefits, if any, that would accrue to the Federal Government, the Coast Guard, the ports, the Navy, and other users of the vessel traffic service (VTS) system in San Francisco, California, from the use of civilian personnel in that system. Study.

LONG RANGE SEARCH AND SURVEILLANCE AIRCRAFT

SEC. 12. (a) Of the amounts authorized to be appropriated by paragraphs (1) and (2) of section 2 of this Act, such sums as are necessary shall be used to procure, maintain, and operate a fleet of not less than twenty-seven long-range search and surveillance aircraft for use by the Coast Guard.

(b) The Secretary of the department in which the Coast Guard is operating is encouraged to conduct the research, development, test and evaluation necessary for an electronic surveillance system, capable of producing and documenting images for search and rescue or law enforcement purposes, for the long range search and surveillance aircraft of the Coast Guard.

PROTECTION OF SEAMEN

SEC. 13. (a) Chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following:

46 USC 2114.

"§ 2114. Protection of seamen against discrimination

"(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred.

"(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

98 STAT. 2864

"(1) restraining violations of this section; and

"(2) reinstatement to the seaman's former position with back pay.".

(b) The analysis of chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following:

"2114. Protection of seamen against discrimination.".

CONTRACTING FOR SERVICES PERFORMED BY THE COAST GUARD

SEC. 14. (a) The Secretary of the department in which the Coast Guard is operating is encouraged to identify those functions and services presently performed by Coast Guard personnel which are not inherently governmental in nature, and which may be performed with equal effectiveness and at lower cost under contract to the private sector.

(b) None of the funds authorized to be appropriated by this Act may be used—

(1) to issue any contract that would have the effect, either by itself or in combination with other contracting proposals, of causing a deterioration in the overall ability of the Coast Guard to carry out its missions in behalf of the security, safety, and economic and environmental well-being of the United States; or

(2) to issue a request for proposals to contract out any function or activity which is, on the date of enactment of this Act, performed by civilian employees or members of the Coast Guard, unless a period of thirty days in which either the Senate or House of Representatives is in session has expired after the Secretary has submitted in writing to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Committee on Commerce, Science, and Transportation of the Senate, and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives a full and complete statement (including relevant supporting studies) concerning the proposed contracting and the reasons therefor.

(c) Prior to the beginning of fiscal years 1985 and 1986, the Secretary shall submit to the Congress a list of functions or activities for which the Secretary expects to submit notifications required by subsection (b)(2) of this section during that fiscal year.

(d) The requirements of subsection (b)(2) of this section do not apply to contracts for functions or activities which are performed by three or fewer Coast Guard personnel.

LEGAL EQUITY FOR WOMEN

SEC. 15. (a)(1) Section 371 of title 14, United States Code, is amended—

(A) by striking "male" both places it appears in the second sentence of subsection (a);

(B) in subsection (c)(1)—

(i) by striking "he agrees in writing that, upon his" and inserting in lieu thereof "the person agrees in writing that, upon"; and

(ii) by striking "he will" and inserting in lieu thereof "the person will"; and

(C) by striking "he has the consent of his parent or guardian to his agreement" in subsection (c)(2) and inserting in lieu thereof "the person has the consent of the person's parent or guardian to the agreement".

(2) The first sentence of section 487 of such title is amended by striking "widows" and inserting in lieu thereof "surviving spouses". 14 USC 487.

(3)(A) The following sections of such title are amended by striking "enlisted man" each place it appears and inserting in lieu thereof "enlisted member": 353, 354, 355, 357, 359, 360, 361, 362, 365, 366, 367, 370, 421, 423, and 424.

(B) The following sections of such title are amended by striking "enlisted men" each place it appears and inserting in lieu thereof "enlisted members": 41, 211(a)(2), 212(a)(2), 213(a)(1), 214, 357, 432(c), 478(d), and 480.

(C) The following sections of such title are amended by striking "Enlisted men" each place it appears and inserting in lieu thereof "Enlisted members": 41, 352, 367, 478(a), 481, and 482.

(D) The following sections of such title are amended by striking "officers and enlisted men" each place it appears and inserting in lieu thereof "members": 92(b), 144(a), 145(a)(2), 148, 149, 487, and 832.

(E) Section 149 of such title is amended by striking "Officers and enlisted men" and inserting in lieu thereof "Members".

(F) Section 351(a) of such title is amended by striking "men" and inserting in lieu thereof "persons".

(G) Section 361 of such title is amended by striking "the man" and inserting in lieu thereof "the member".

(H) Sections 192 and 483 of such title are amended by striking "commissioned officer, warrant officer, or enlisted man" each place it appears and inserting in lieu thereof "member".

(I) Section 488 of such title is amended by striking "officers and men" and inserting in lieu thereof "members".

(4)(A)(i) The heading of section 149 of such title is amended to read as follows:

"§ 149. Detail of members to assist foreign governments".

(ii) The item relating to such section in the analysis of chapter 7 of such title is amended as follows:

"149. Detail of members to assist foreign governments.".

(B)(i) The heading of section 360 of such title is amended to read as follows:

"§ 360. Recall to active duty with consent of member".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

"360. Recall to active duty with consent of member.".

(C)(i) The heading of section 361 of such title is amended to read as follows:

"§ 361. Relief of retired enlisted member promoted while on active duty".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

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"361. Relief of retired enlisted member promoted while on active duty.".

14 USC 487.

(D)(i) The heading of section 487 of such title is amended to read as follows:

"§ 487. Procurement and sale of stores to members and civilian employees".

(ii) The item relating to such section in the analysis of chapter 13 of such title is amended to read as follows:

"487. Procurement and sale of stores to members and civilian employees.".

(E)(i) The heading preceding section 350 in such title is amended to read as follows:

"ENLISTED MEMBERS"

(ii) The heading preceding the item relating to section 350 in the analysis of chapter 11 of such title is amended to read as follows:

"ENLISTED MEMBERS"

(b)(1) The first section of the Act of August 19, 1950 (33 U.S.C. 771) is amended—

(A) by striking "he" in clause (1) and inserting in lieu thereof "that employee";

(B) by amending clause (2) to read as follows:

"(2) the surviving spouse of the former employee was married to the former employee prior to the retirement of the former employee from the Lighthouse Service and has not remarried—"; and

(C) by striking "such widow, so long as she" in the material after clause (2) and inserting in lieu thereof "the surviving spouse, so long as the surviving spouse".

(2) Section 2 of such Act (33 U.S.C. 772) is amended—

(A) by amending clause (2) to read as follows:

"(2) the surviving spouse of the employee has not since remarried,"; and

(B) by striking "such widow, so long as she" in the material after clause (2) and inserting in lieu thereof "the surviving spouse, so long as the surviving spouse".

COASTAL AND INLAND NAVIGATION SAFETY

Mississippi River.

SEC. 16. (a) Subsection (e) of Public Law 96-380 (33 U.S.C. 1231a(e)) is amended by striking "five years from the date of enactment of this Act" and inserting in lieu thereof "on September 30, 1990".

(b)(1) Rule 24(i) of the Inland Navigational Rules, enacted by section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2024(i)), is amended by inserting "(except below the Huey P. Long Bridge on the Mississippi River)" immediately after "Western Rivers".

(2) Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(A) by amending the second sentence in subsection (c) to read as follows: "Members of the Council, while away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code."; and

98 STAT. 2867

(B) by striking "5 years from the date of enactment of this Act" in subsection (d) and inserting in lieu thereof "on September 30, 1990".

(c) Rule 14 of the Inland Navigational Rules, enacted by section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2014), is amended—

(1) in subsection (a), by striking "When" and inserting in lieu thereof "Unless otherwise agreed, when"; and

(2) by adding at the end thereof the following:

"(d) Notwithstanding paragraph (a) of this Rule, a power-driven vessel operating on the Great Lakes, Western Rivers, or waters specified by the Secretary, and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner of passage, and shall initiate the maneuvering signals prescribed by Rule 34(a)(i), as appropriate.". Great Lakes. Western Rivers.

COAST GUARD MANAGEMENT AND EFFICIENCY

SEC. 17. (a) Section 971(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of clause (1);

(2) by striking the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.".

(b)(1) Section 257 of title 14, United States Code, is amended by adding at the end thereof the following:

"(e) An officer whose involuntary retirement or separation is deferred under section 295 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.". *Infra.*

(2)(A) Chapter 11 of such title is amended by inserting immediately after section 294 the following:

"§ 295. Deferment of retirement or separation for medical reasons 14 USC 295.

"(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be retired or separated.

"(b) A deferment under subsection (a)—

"(1) may only be made with the consent of the officer involved; and

"(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the sixty-day period beginning on the date the Secretary receives that notice.".

(B) The analysis of such chapter is amended by inserting immediately after the item relating to section 294 the following:

"295. Deferment of retirement or separation for medical reasons.".

(3)(A) Section 647 of such title is amended by striking "$25,000" and inserting in lieu thereof "$100,000". 14 USC 647.

(B) The amendment made by subparagraph (A) of this paragraph shall apply to all claims considered, ascertained, adjusted, determined, compromised or settled on or after the date of enactment of this Act. 14 USC 647 note.

(4) Section 367 of such title is amended—

(A) by striking "(a)" before "Under regulations";

(B) by striking "person detained" and inserting in lieu thereof "member detained"; and

(C) by striking "(1) of this subsection" and inserting in lieu thereof "clause (1)".

(c) Section 1114 of title 18, United States Code, is amended by striking "any officer or enlisted man of the Coast Guard," and inserting in lieu thereof "any member of the Coast Guard, any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

(d) Section 402(d) of title 37, United States Code, is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" immediately after "Secretary of Defense".

(e)(1) Subsection (a) of section 3732 of the Revised Statutes of the United States (41 U.S.C. 11) is amended—

(A) by striking "except in the War and Navy Departments" and inserting in lieu thereof "except in the Department of Defense and in the Department of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy"; and

(B) by striking "or transportation" and inserting in lieu thereof ", transportation, or medical and hospital supplies".

(2) Subsection (b) of such section is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" immediately after "The Secretary of Defense".

(3) The first proviso under the heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirteenth, nineteen hundred and seven", approved June 12, 1906 (34 Stat. 255), is repealed. 41 USC 11.

(f)(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c) is amended—

(A) by striking "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof ", the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

(B) by inserting "the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy," immediately before "and the appropriate officials".

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d) is amended— 97 Stat. 698.

(A) by striking "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof ", the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

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(B) by inserting "and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy" immediately after "with the Secretary of Health and Human Services" each place it appears.

(g)(1) The first section of the Act of March 23, 1906 (33 U.S.C. 491), popularly known as the "Bridge Act of 1906", is amended—

(A) by striking "and Chief of Engineers for their approval, nor until they" and inserting in lieu thereof "for the Secretary's approval, nor until the Secretary";

(B) by striking "by the Chief of Engineers and";

(C) by striking "of the Chief of Engineers and"; and

(D) by striking "of Transportation" the second and third place it appears.

(2) Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) is amended—

(A) by striking "the Chief of Engineers and"; and

(B) by striking "they" both places it appears and inserting in lieu thereof "the Secretary".

REPEAL OF DUPLICATE TANKERMAN MANNING REQUIREMENT

SEC. 18. Section 8703(b) of title 46, United States Code, relating to tankerman manning requirements, is repealed.

INCLUSION OF SECRETARY OF TRANSPORTATION IN CERTAIN MEDICAL MATTERS

SEC. 19. Chapter 55 of title 10, United States Code, is amended—

(1) in section 1072—

(A) by striking all after "by" through "may be," in paragraph (2)(D)(iii) and inserting in lieu thereof "the administering Secretary"; and

(B) by adding at the end thereof the following:

"(3) 'Administering Secretaries' means the Secretaries of executive departments specified in section 1073 of this title as having responsibility for administering this chapter.";

(2) in section 1073, by striking all after "jurisdiction," through "Navy, and" and inserting in lieu thereof "the Secretary of Transportation shall administer this chapter for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services shall administer this chapter";

(3) in section 1074, by striking "Secretary of Defense and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "administering Secretaries";

(4) in section 1074a(a), by striking "Secretary of Defense and the Secretary of Health and Human Services" and inserting in lieu thereof "administering Secretaries"; 97 Stat. 665.

(5) in section 1076 (b) and (d), by striking "the Secretary of Defense and the Secretary of Health and Human Services" and inserting in lieu thereof "the administering Secretaries";

(6) in section 1078 (a) and (b), by striking "the Secretary of Health and Human Services" and inserting in lieu thereof "the other administering Secretaries";

(7) in section 1079—

(A) by striking "the Secretary of Defense and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "the administering Secretaries"; and 98 STAT. 2870

(B) by striking "with the Secretary of Health and Human Services" in subsections (a), (h)(2), and (k) and inserting in lieu thereof "with the other administering Secretaries"; 97 Stat. 648.

(8) in section 1080, by striking "the Secretary of Health and Human Services" and inserting in lieu thereof "the other administering Secretaries";

(9) in section 1081, by striking "the Secretary of Defense or the Secretary of Health and Human Services" and inserting in lieu thereof "the appropriate administering Secretary";

(10) in section 1083, by striking "the Secretary of Health and Human Services" and inserting in lieu thereof "the other administering Secretaries";

(11) in section 1084—

(A) by striking "the Secretary of Defense or the Secretary of Health and Human Services" and inserting in lieu thereof "an administering Secretary"; and

(B) by striking "he" and inserting in lieu thereof "the administering Secretary";

(12) by amending the text of section 1085 to read as follows: "If a member or former member of a uniformed service under the jurisdiction of one executive department (or a dependent of such a member or former member) receives inpatient medical or dental care in a facility under the jurisdiction of another executive depart-

ment, the appropriation for maintaining and operating the facility furnishing the care shall be reimbursed at rates established by the President to reflect the average cost of providing the care.";

(13) in section 1086—

(A) by striking "the Secretary of Health and Human Services" in subsection (a) and inserting in lieu thereof "the other administering Secretaries"; and

(B) by striking "the Secretary of Defense and the Secretary of Health and Human Services" in subsection (e) and inserting in lieu thereof "the administering Secretaries"; and

97 Stat. 650.

(14) in section 1092(a)(1), by striking "Secretary of Health and Human Services" and inserting in lieu thereof "other administering Secretaries".

CUTTER AVAILABILITY

Sec. 20. Throughout fiscal years 1985 and 1986, there shall be available for service at all times on the Atlantic and Gulf Coasts of the United States not less than, in the aggregate, thirty high and medium endurance Coast Guard cutters.

COAST GUARD REPRESENTATION ON RESERVE FORCES POLICY BOARD

Sec. 21. Section 175(b) of title 10, United States Code, is amended to read as follows:

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.".

EXPOSURE SUITS

Sec. 22. (a)(1) Chapter 31 of title 46, United States Code, is amended by adding at the end thereof the following:

46 USC 3102.

"§ 3102. Exposure suits

Regulations. Atlantic Ocean.

"(a) The Secretary shall by regulation require exposure suits on vessels designated by the Secretary that operate in the Atlantic Ocean north of thirty-two degrees North latitude or south of thirty-two degrees South latitude and in all other waters north of thirty-five degrees North latitude or south of thirty-five degrees South latitude. The Secretary may not exclude a vessel from designation under this section only because that vessel carries other lifesaving equipment.

"(b) The Secretary shall establish standards for an exposure suit required by this section, including standards to guarantee adequate thermal protection, buoyance, and flotation stability.

"(c)(1) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

"(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than $25,000, imprisoned for not more than 5 years, or both.".

(2) The analysis of chapter 31 of title 46, United States Code, is amended by inserting immediately after the item relating to section 3101 the following:

"3102. Exposure suits.".

46 USC 3102 note.

(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

Regulations. Effective date. 46 USC 3102 note.

(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this Act.

Report.

(d) Not later than six months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating the benefits and disadvantages of extending the regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section) to require exposure suits on designated vessels operating in all waters north of thirty-one degrees North latitude or south of thirty-one degrees South latitude.

VESSEL FIRE RESPONSE CAPABILITY

Grants.

SEC. 23. (a) The Secretary of the department in which the Coast Guard is operating shall make a grant to the Maritime Fire and Safety Association, a nonprofit organization incorporated in the State of Oregon. Such grant shall be used for a demonstration project to develop a fire response capability for vessels through the acquisition of equipment and supplies and through training of fire response personnel. The Secretary shall ensure that funds made available by such grant are used for such purposes.

98 STAT. 2872

(b) For purposes of subsection (a) of this section, there are authorized to be appropriated not to exceed $349,000 for fiscal year 1985, not to exceed $160,000 for fiscal year 1986, and not to exceed $103,000 for fiscal year 1987.

CADET PREAPPOINTMENT TRAVEL EXPENSES

SEC. 24. (a) Chapter 9 of title 14, United States Code, is amended by inserting immediately after section 181 the following:

"§ 181a. Cadet applicants; preappointment travel to Academy

14 USC 181a.

"The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants.".

(b) The table of sections at the beginning of such chapter is amended by inserting immediately after the item relating to section 181 the following:

"181a. Cadet applicants; preappointment travel to Academy.".

COMMODORE AND REAR ADMIRAL RESERVE POSITIONS

SEC. 25. (a)(1) Section 42(b) of title 14, United States Code, is amended by striking ".375" both places it appears and inserting in lieu thereof "0.375".

(2) Section 290 of such title is amended by striking "Board" in the fourth sentence and inserting in lieu thereof "Boards".

(3) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 462a.

(4) Section 724 of such title is amended—

(A) by inserting "(1)" immediately after "(b)";

(B) by striking the last sentence; and

(C) by adding at the end thereof the following:

"(2) The authorized number of Reserve Officers in an active status not on active duty in the grades of commodore and rear admiral is a total of two. However, the Secretary of the department in which the Coast Guard is operating may authorize an additional number of Reserve officers not on active duty in the grades of commodore and rear admiral as necessary in order to meet planned mobilization requirements.".

(b)(1) The matter in the table in section 201(a) of title 37, United States Code, under the heading "Navy, Coast Guard, and National Oceanic and Atmospheric Administration" and in the columns for O-8 and O-7 is amended to read as follows:

"Rear admiral
"Commodore".

(2)(A) The heading of section 202 of such title is amended to read as follows:

"§ 202. Pay grade: retired Coast Guard commodores".

(B) The item relating to section 202 in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

98 STAT. 2873

"202. Pay grade: retired Coast Guard commodores.".

(c) The matter in the table in section 741(a) of title 10, United States Code, under the heading "Navy and Coast Guard" is amended—

(1) by striking "Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard)" and inserting in lieu thereof "Rear admiral"; and

(2) by striking "Commodore (Navy) and Rear admiral (lower half) (Coast Guard)" and inserting in lieu thereof "Commodore".

ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION

SEC. 26. (a) Section 102 of title 49, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting immediately after subsection (c) the following:

"(d) The Department has an Associate Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Associate Deputy Secretary shall carry out powers and duties prescribed by the Secretary.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following: "Associate Deputy Secretary, Department of Transportation.".

49 USC 102 note.

(c) Notwithstanding any other provision of law, until April 15, 1985, the position created by subsection (a) of this section may be held by a person named by the President alone from among qualified individuals.

FLAT RATE PER DIEM TEST

SEC. 28. (a) Before October 1, 1986, the Secretary of the department in which the Coast Guard is operating may test a flat rate per diem allowances system for military travel allowances.

(b) Such flat rate per diem allowances shall be an amount determined by the Secretary to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but such allowances may not be more than $75 for each day in the continental United States.

(c) The test authorized by this section may not begin before the Committees on Commerce, Science, and Transportation and Armed Services of the Senate and the Committees on Merchant Marine and Fisheries and Armed Services of the House of Representatives are notified of the test.

IMPROVEMENTS IN SHIPPING LAWS ADMINISTERED BY THE COAST GUARD

97 Stat. 539.

SEC. 29. (a) Section 7101(e)(3) of title 46, United States Code, is amended to read as follows:

"(3) has a thorough physical examination each year while holding the license, except that this requirement does not apply to an individual who will serve as a pilot only on a vessel of less than 1,600 gross tons;".

97 Stat. 548.

(b) Section 8101(g) of title 46, United States Code, is amended by striking "or part B of this subtitle applies" and inserting in lieu thereof "applies or which is subject to inspection under chapter 33 of this title".

(c) Section 8301(a) of title 46, United States Code, is amended—

97 Stat. 550.

(1) by inserting "(except the Great Lakes)" immediately after "lakes"; and

98 STAT. 2874

(2) by striking "to which part B of this subtitle applies" and inserting in lieu thereof "subject to inspection under chapter 33 of this title".

(d) Section 8301(a)(1) of title 46, United States Code, is amended by inserting "propelled by machinery or carrying passengers" immediately after "vessels".

97 Stat. 550.

(e) Section 8501(a) of title 46, United States Code, is amended by striking "part" and inserting in lieu thereof "subtitle".

97 Stat. 553.

(f)(1) Section 8502(a) of title 46, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (g) of this section, a coastwise seagoing vessel shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

97 Stat. 539.

"(1) not sailing on register;

"(2) underway;

"(3) not on the high seas; and

"(4)(A) propelled by machinery and subject to inspection under Part B of this subtitle; or

"(B) subject to inspection under chapter 37 of this title.".

(2) Section 8502 of title 46, United States Code, is amended by adding at the end thereof the following:

97 Stat. 553.

"(g) The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title.".

(3)(A) Chapter 85 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 8503. Federal pilots authorized

46 USC 8503.

"(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

"(1) engaged in foreign commerce; and

"(2) operating on the navigable waters of the United States.

"(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

"(1) establishes a requirement for a State licensed pilot; and

"(2) notifies the Secretary of that fact.

"(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

Saint Lawrence Seaway.

"(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than $25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

"(e) A person that knowingly violates this section or a regulation prescribed under this section shall be fined not more than $50,000, imprisoned for not more than five years, or both.".

(B) The analysis of chapter 85 of title 46, United States Code, is amended by inserting immediately after the item relating to section 8502 the following:

"8503. Federal pilots authorized.".

98 STAT. 2875

(g) Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) is repealed.

Repeal.

(h) Section 10 of the Ports and Waterways Safety Act (33 U.S.C. 1229) is amended by striking "6, and 7" and inserting in lieu thereof "and 6".

LOGBOOK REQUIREMENT

97 Stat. 581.

SEC. 30. Section 11301(a) of title 46, United States Code, is amended to read as follows:

"(a) Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is—

"(1) on a voyage from a port in the United States to a foreign port; or

"(2) of at least 100 gross tons and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean.".

TRENT RIVER RAILROAD BRIDGE

New Bern, N.C.

SEC. 31. Notwithstanding any other provision of law, the Trent River Railroad Bridge, mile 0.0, in New Bern, North Carolina, is deemed an unreasonable obstruction to navigation.

AMENDMENTS TO THE COASTWISE LOAD LINE ACT

SEC. 32. (a) Section 1(b) of the Act of August 27, 1935 (46 App. U.S.C. 88(b)), popularly known as the "Coastwise Load Line Act, 1935", is amended to read as follows:

"(b) This Act does not apply to—

"(1) a fish tender vessel of not more than 500 gross tons—

"(A) constructed, under construction, or contracted to be constructed as a vessel of this type before January 1, 1980; or

"(B) converted for use as a vessel of this type before January 1, 1983; and

"(2) a fish processing vessel of not more than 5,000 gross tons, except a vessel constructed after August 15, 1974, or converted for use as a vessel of this type after January 1, 1983.".

(b) Section 2 of such Act (46 App. U.S.C. 88a) is amended to read as follows:

"SEC. 2. (a) For vessels to which this Act applies, the Secretary of the department in which the Coast Guard is operating shall establish by regulation load lines and marks indicating the maximum depth to which these vessels may be loaded safely.

Regulations.

"(b) In prescribing regulations under this Act, the Secretary shall consider the age, condition, character, design, and construction of a vessel to which this Act applies, including subdivision and stability characteristics.

Regulations.
Calumet Harbor, Ill.
Burns Harbor, Ind.

"(c) This Act applies to the Great Lakes, except that the Secretary may establish special operating regulations for barges operating close to shore between Calumet Harbor, Illinois, and Burns Harbor, Indiana, that exempt these barges from the load line and marking requirements of this section.

"(d) The Secretary may not establish on any vessel a load line that is above the actual line of safety.".

98 STAT. 2876

TECHNICAL AMENDMENTS REGARDING COMMERCIAL FISHING INDUSTRY VESSELS

SEC. 33. (a) Section 4502(b)(3) of title 46, United States Code, is amended by striking "the exemption" and inserting in lieu thereof "this chapter".

(b) Section 4503 of title 46, United States Code, is amended by striking "shall be deemed" and inserting in lieu thereof "is deemed".

(c) Section 8104 (k) and (l) of title 46, United States Code, is amended by striking "may" and inserting in lieu thereof "shall".

(d) Section 402(13) of the Act of July 17, 1984 (Public Law 98-364) is amended by striking "Section 10101(a)" and inserting in lieu thereof "Section 10101". *Ante*, pp. 445, 449.

SAILING SCHOOL VESSELS

SEC. 34. (a) Section 2101 of title 46, United States Code, is amended:

(1) in clause (21)(B), by inserting "or a sailing school vessel" immediately after "vessel" the first time it appears; and

(2) in clause (27), by striking all after "by sail" and inserting in lieu thereof "and may include—

"(A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

"(B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.".

(b) Section 206 of the Sailing School Vessels Act of 1982 (46 App. U.S.C. 446(b)) is amended by inserting "section 11101(a)–(c) of title 46, United States Code," immediately before "and". 46 USC app. 446b.

98 STAT. 2877

COMPENSATION OF COMMANDANT OF THE COAST GUARD

SEC. 35. (a) Footnote 2 of the table entitled "COMMISSIONED OFFICERS" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (Public Law 97-60; 95 Stat. 990) is amended— 37 USC 1009 note.

(1) by striking "or"; and

(2) by inserting "or Commandant of the Coast Guard," immediately after "Corps,".

(b) The first sentence of footnote 4 of the table in section 1401 of title 10, United States Code, is amended—

(1) by striking "or"; and

(2) by inserting "or Commandant of the Coast Guard," immediately after "Corps,".

(c) The amendments made by this section shall become effective on October 1, 1984. Effective date. 10 USC 1401 note.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2526:

SENATE REPORT No. 98-454 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Oct. 5, considered and passed Senate.
Oct. 9, considered and passed House.

Public Law 98-559
98th Congress

98 STAT. 2907

An Act

To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes.

Oct. 30, 1984
[S. 2706]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

(b)(1) Section 109(e) of such Act (49 U.S.C. App. 1808(e)) is amended by striking out "May 1" and inserting in lieu thereof "June 15".

Effective date.

(2) The amendment made by paragraph (1) shall take effect October 1, 1984.

49 USC app. 1808 note.

SEC. 2. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1812) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 115. There is authorized to be appropriated to carry out the provisions of this title not to exceed $7,500,000 for the fiscal year ending September 30, 1985, and $8,000,000 for the fiscal year ending September 30, 1986.".

SEC. 3. The Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) is amended by adding at the end thereof the following new section:

"EVALUATION OF TRAINING PROGRAMS FOR INCIDENT PREVENTION AND RESPONSE

49 USC app. 1813.

"SEC. 116. (a) EVALUATION.—The Secretary and the Director of the Federal Emergency Management Agency (hereinafter in this section referred to as the 'Director'), in coordination with other Federal, State, and local agencies with responsibilities relating to transportation of hazardous materials (including but not limited to the Environmental Protection Agency, the Department of Energy, and the Nuclear Regulatory Commission), shall each evaluate—

"(1) programs conducted by Federal, State, and local agencies and private organizations which provide training to shippers, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(2) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or organizations responsible for responding to incidents involving transportation of hazardous materials; and

"(3) planning programs conducted by Federal, State, and local agencies and private organizations for responding to incidents involving transportation of hazardous materials.

Report.

"(b) REPORT.—Not later than five months after the date of the enactment of this section, the Secretary and the Director shall each submit an interim report to the Congress on the results of their respective evaluations under subsection (a). Not later than 10 months after the date of the enactment of this section, the Secretary and the Director shall complete such evaluations and submit the results of such evaluations to the Congress. Such reports shall include, but not be limited to—

"(1) a description of existing planning programs for responding to incidents involving transportation of hazardous materials;

"(2) a description of Federal, State, and (to the extent feasible) local training programs for responding to incidents involving transportation of hazardous materials and for compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title;

"(3) the amounts of funds expended per fiscal year in fiscal years 1980, 1981, 1982, 1983, and 1984 by Federal and State

agencies on training programs described in paragraph (2); and
"(4) recommendations concerning methods of funding such training programs, including but not limited to methods which assure long-term funding for such programs.".

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2706:

SENATE REPORT No. 98-479 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
June 15, considered and passed Senate.
Oct. 11, considered and passed House, amended; Senate concurred in House amendment.

Public Law 98-575
98th Congress

98 STAT. 3055

An Act

To facilitate commercial space launches, and for other purposes.

Oct. 30, 1984
[H.R. 3942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Commercial Space Launch Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Commercial Space Launch Act".

49 USC app. 2601 note.

FINDINGS

49 USC app. 2601.

SEC. 2. The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created, and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, thereby contributing to the national interest and economic well-being of the United States;

(6) provision of launch services by the private sector is consistent with the national security interests and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied; and

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate such launches and services in order to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

PURPOSES

49 USC 2602.

SEC. 3. It is therefore the purpose of this Act—

(1) to promote economic growth and entrepreneurial activity through utilization of the space environment for peaceful purposes;

98 STAT. 3056

(2) to encourage the United States private sector to provide launch vehicles and associated launch services by simplifying and expediting the issuance and transfer of commercial launch licenses and by facilitating and encouraging the utilization of Government-developed space technology; and

(3) to designate an executive department to oversee and coordinate the conduct of commercial launch operations, to issue and transfer commercial launch licenses authorizing such activities, and to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

DEFINITIONS

49 USC app. 2603.

SEC. 4. For purposes of this Act—

(1) "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(2) "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(3) "launch property" means propellants, launch vehicles and components thereof, and other physical items constructed for or used in the launch preparation or launch of a launch vehicle;

(4) "launch services" means those activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(5) "launch site" means the location on Earth from which a launch takes place, as defined in any license issued or transferred by the Secretary under this Act, and includes all facilities located on a launch site which are necessary to conduct a launch;

(6) "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space and any suborbital rocket;

(7) "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(8) "person" means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or any nation;

(9) "Secretary" means the Secretary of Transportation;

(10) "State", and "United States" when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

(11) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State; and

(C) any corporation, partnership, joint venture, association, or other entity which is organized or exists under the laws of a foreign nation, if the controlling interest (as defined by the Secretary in regulations) in such entity is held by an individual or entity described in subparagraph (A) or (B).

98 STAT. 3057

GENERAL RESPONSIBILITIES OF THE SECRETARY AND OTHER AGENCIES

SEC. 5. (a) The Secretary shall be responsible for carrying out this Act, and in doing so shall— 49 USC app. 2604.

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) consult with other agencies to provide consistent application of licensing requirements under this Act and to ensure fair and equitable treatment for all license applicants.

(b) To the extent permitted by law, Federal agencies shall assist the Secretary, as necessary, in carrying out this Act.

REQUIREMENT OF LICENSE FOR PRIVATE SPACE LAUNCH OPERATIONS

SEC. 6. (a)(1) No person shall launch a launch vehicle or operate a launch site within the United States, unless authorized by a license issued or transferred under this Act. 49 USC app. 2605.

(2) No United States citizen described in subparagraph (A) or (B) of section 4(11) shall launch a launch vehicle or operate a launch site outside the United States, unless authorized by a license issued or transferred under this Act.

(3)(A) No United States citizen described in subparagraph (C) of section 4(11) shall launch a launch vehicle or operate a launch site at any place which is both outside the United States and outside the territory of any foreign nation, unless authorized by a license issued or transferred under this Act. The preceding sentence shall not apply with respect to a launch or operation of a launch site if there is an agreement in force between the United States and a foreign nation which provides that such foreign nation shall exercise jurisdiction over such launch or operation.

(B)(i) Except as provided in clause (ii) of this subparagraph, this Act shall not apply to the launch of a launch vehicle or the operation of a launch site in the territory of a foreign nation by a United States citizen described in subparagraph (C) of section 4(11).

(ii) If there is an agreement in force between the United States and a foreign nation which provides that the United States shall exercise jurisdiction over the launch of a launch vehicle or operation of a launch site in the territory of such nation by a United States citizen described in subparagraph (C) of section 4(11), no such United States citizen shall launch a launch vehicle or operate a launch site in the territory of such nation, unless authorized by a license issued or transferred under this Act. International agreements.

(b)(1) The holder of a launch license under this Act shall not launch a payload unless that payload complies with all requirements of Federal law that relate to the launch of a payload. The Secretary shall ascertain whether any license, authorization, or other permit required by Federal law for a payload which is to be launched has been obtained.

(2) If no payload license, authorization, or permit is required by any Federal law, the Secretary may take such action under this Act as the Secretary deems necessary to prevent the launch of a payload by a holder of a launch license under this Act if the Secretary determines that the launch of such payload would jeopardize the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

98 STAT. 3058

(c)(1) Except as provided in this Act, no person shall be required to obtain from any agency a license, approval, waiver, or exemption for the launch of a launch vehicle or the operation of a launch site.

(2) Nothing in this Act shall affect the authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or the authority of the Secretary of Commerce under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.).

AUTHORITY TO ISSUE AND TRANSFER LICENSES

49 USC app. 2606.

SEC. 7. The Secretary may, consistent with the public health and safety, safety of property, and national security interests and foreign policy interests of the United States, issue or transfer a license for launching one or more launch vehicles or for operating one or more launch sites, or both, to an applicant who meets the requirements for a license under section 8 of this Act. Any license issued or transferred under this section shall be in effect for such period of time as the Secretary may specify, in accordance with regulations issued under this Act.

LICENSING REQUIREMENTS

49 USC app. 2607.

SEC. 8. (a)(1) All requirements of Federal law which apply to the launch of a launch vehicle or the operation of a launch site shall be requirements for a license under this Act for the launch of a launch vehicle or the operation of a launch site, respectively, except to the extent provided in paragraph (2).

(2) If the Secretary determines, in consultation with appropriate agencies, that any requirement of Federal law that would otherwise apply to the launch of a launch vehicle or the operation of a launch site is not necessary to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States, the Secretary may by regulation provide that such requirement shall not be a requirement for a license under this Act.

(b) The Secretary may, with respect to launches and the operation of launch sites, prescribe such additional requirements as are necessary to protect the public health and safety, safety of property, and national security interests and foreign policy interests of the United States.

(c) The Secretary may, in individual cases, waive the application of any requirement for a license under this section if the Secretary determines that such waiver is in the public interest and will not jeopardize the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

LICENSE APPLICATION AND APPROVAL

49 USC app. 2608.

SEC. 9. (a) Any person may apply to the Secretary for issuance or transfer of a license under this Act, in such form and manner as the Secretary may prescribe. The Secretary shall establish procedures and timetables to expedite review of applications under this section and to reduce regulatory burdens for applicants.

98 STAT. 3059

(b) The Secretary shall issue or transfer a license to an applicant if the Secretary determines in writing that the applicant complies and will continue to comply with the requirements of this Act and any regulation issued under this Act. The Secretary shall include in such license such conditions as may be necessary to ensure compliance with this Act, including an effective means of on-site verification that a launch or operation of a launch site conforms to representations made in the application for a license or transfer of a license. The Secretary shall make a determination on any application not later than 180 days after receipt of such application. If the Secretary has not made a determination within 120 days after receipt of such application, the Secretary shall inform the applicant of any pending issues and of actions required to resolve such issues.

(c) The Secretary, any officer or employee of the United States, or any person with whom the Secretary has entered into a contract under section 14(b) of this Act may not disclose any data or information under this Act which qualifies for exemption under section 552(b)(4) of title 5, United States Code, or is designated as confidential by the person or agency furnishing such data or information, unless the Secretary determines that the withholding of such data or information is contrary to the public or national interest.

SUSPENSION, REVOCATION, AND MODIFICATION OF LICENSES

49 USC app. 2609.

SEC. 10. (a) The Secretary may suspend or revoke any license issued or transferred under this Act if the Secretary finds that the licensee has substantially failed to comply with any requirement of this Act, the license, or any regulation issued under this Act, or that the suspension or revocation is necessary to protect the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

(b) Upon application by the licensee or upon the Secretary's own initiative, the Secretary may modify a license issued or transferred under this Act, if the Secretary finds that the modification will comply with the requirements of this Act.

(c) Unless otherwise specified by the Secretary, any suspension, revocation, or modification by the Secretary under this section—

(1) shall take effect immediately; and

(2) shall continue in effect during any review of such action under section 12 of this Act.

(d) Whenever the Secretary takes any action under this section, the Secretary shall notify the licensee in writing of the Secretary's finding and the action which the Secretary has taken or proposes to take regarding such finding.

EMERGENCY ORDERS

Prohibition. 49 USC app. 2610.

SEC. 11. (a) The Secretary may terminate, prohibit, or suspend immediately the launch of a launch vehicle or the operation of a launch site which is licensed under this Act if the Secretary determines that such launch or operation is detrimental to the public health and safety, safety of property, or any national security interest or foreign policy interest of the United States.

(b) An order terminating, prohibiting, or suspending any launch or operation of a launch site licensed by the Secretary under this Act shall take effect immediately and shall continue in effect during any review of such order under section 12.

ADMINISTRATIVE AND JUDICIAL REVIEW

49 USC app. 2611.

SEC. 12. (a)(1) An applicant for a license and a proposed transferee of a license under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 9(b) to issue or transfer a license with conditions or to deny the issuance or transfer of such license. An owner or operator of a payload shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 6(b)(2) to prevent the launch of such payload.

(2) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary—

(A) under section 10 to suspend, revoke, or modify a license; or

(B) under section 11 to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary.

(b) Any final action of the Secretary under this Act to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary or to prevent the launch of a payload shall be subject to judicial review as provided in chapter 7 of title 5, United States Code.

REGULATIONS

49 USC app. 2612.

SEC. 13. The Secretary may issue such regulations, after notice and comment in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this Act.

MONITORING OF ACTIVITIES OF LICENSEES

49 USC app. 2613.

SEC. 14. (a) Each license issued or transferred under this Act shall require the licensee—

(1) to allow the Secretary to place Federal officers or employees or other individuals as observers at any launch site used by the licensee, at any production facility or assembly site used by a contractor of the licensee in the production or assembly of a launch vehicle, or at any site where a payload is integrated with a launch vehicle, in order to monitor the activities of the licensee or contractor at such time and to such extent as the Secretary considers reasonable and necessary to determine compliance with the license or to carry out the responsibilities of the Secretary under section 6(b) of this Act; and

(2) to cooperate with such observers in the performance of monitoring functions.

(b) The Secretary may, to the extent provided in advance by appropriation Acts, enter into a contract with any person to carry out subsection (a)(1) of this section.

USE OF GOVERNMENT PROPERTY

49 USC app. 2614.

98 STAT. 3061

SEC. 15. (a) The Secretary shall take such actions as may be necessary to facilitate and encourage the acquisition (by lease, sale, transaction in lieu of sale, or otherwise) by the private sector of launch property of the United States which is excess or is otherwise not needed for public use and of launch services, including utilities, of the United States which are otherwise not needed for public use.

(b)(1) The amount to be paid to the United States by any person who acquires launch property or launch services, including utilities, shall be established by the agency providing the property or service, in consultation with the Secretary. In the case of acquisition of launch property by sale or transaction in lieu of sale, the amount of such payment shall be the fair market value. In the case of any other type of acquisition of launch property, the amount of such payment shall be an amount equal to the direct costs (including any specific wear and tear and damage to the property) incurred by the United States as a result of the acquisition of such launch property. In the case of any acquisition of launch services, including utilities, the amount of such payment shall be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the acquisition of such launch services.

(2) The Secretary may collect any payment for launch property or launch services, with the consent of the agency establishing such payment under paragraph (1).

(3) The amount of any payment received by the United States for launch property or launch services, including utilities, under this subsection shall be deposited in the general fund of the Treasury, and the amount of a payment for launch property (other than launch property which is excess) and launch services (including utilities) shall be credited to the appropriation from which the cost of providing such property or services was paid.

(c) The Secretary may establish requirements for liability insurance, hold harmless agreements, proof of financial responsibility, and such other assurances as may be needed to protect the United States and its agencies and personnel from liability, loss, or injury as a result of a launch or operation of a launch site involving Government facilities or personnel.

LIABILITY INSURANCE

SEC. 16. Each person who launches a launch vehicle or operates a launch site under a license issued or transferred under this Act shall have in effect liability insurance at least in such amount as is considered by the Secretary to be necessary for such launch or operation, considering the international obligations of the United States. The Secretary shall prescribe such amount after consultation with the Attorney General and other appropriate agencies. 49 USC app. 2615.

ENFORCEMENT AUTHORITY

SEC. 17. (a) The Secretary shall enforce this Act. The Secretary may delegate the exercise of any enforcement authority under this Act to any officer or employee of the Department of Transportation or, with the approval of the head of another agency, any officer or employee of such agency. 49 USC app. 2616.

(b) In carrying out this section, the Secretary may—

(1) make investigations and inquiries, and administer to or take from any person an oath, affirmation, or affidavit, concerning any matter relating to enforcement of this Act; and

(2) pursuant to any lawful process—

(A) enter at any reasonable time any launch site, production facility, or assembly site of a launch vehicle, or any site where a payload is integrated with a launch vehicle, for the purpose of inspecting any object which is subject to this Act and any records or reports required by the Secretary to be made or kept under this Act; and

(B) seize any such object, record, or report where there is probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this Act.

PROHIBITED ACTS

SEC. 18. It is unlawful for any person to violate a requirement of this Act, a regulation issued under this Act, or any term, condition, or restriction of any license issued or transferred by the Secretary under this Act. 49 USC app. 2617.

CIVIL PENALTIES

SEC. 19. (a) Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed any act prohibited by section 18 shall be liable to the United States for a civil penalty of not more than $100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. 49 USC app. 2618.

(b) If any person fails to pay a civil penalty assessed against such person after the penalty has become final or if such person appeals an order of the Secretary and the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For purposes of conducting any hearing under this section, the Secretary may (1) issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records, (2) seek enforcement of such subpoenas in the appropriate district court of the United States, and (3) administer oaths and affirmations.

CONSULTATION

Defense and national security. 49 USC app. 2619.

SEC. 20. (a) The Secretary shall consult with the Secretary of Defense on all matters, including the issuance or transfer of each license, under this Act affecting national security. The Secretary of Defense shall be responsible for identifying and notifying the Secretary of those national security interests of the United States which are relevant to activities under this Act.

(b) The Secretary shall consult with the Secretary of State on all matters, including the issuance or transfer of each license, under this Act affecting foreign policy. The Secretary of State shall be responsible for identifying and notifying the Secretary of those foreign policy interests or obligations of the United States which are relevant to activities under this Act.

(c) The Secretary shall consult with other agencies, as appropriate, in order to carry out the provisions of this Act.

98 STAT. 3063

RELATIONSHIP TO OTHER LAWS AND INTERNATIONAL OBLIGATIONS

Prohibitions. 49 USC app. 2620.

SEC. 21. (a) No State or political subdivision of a State may adopt or have in effect any law, rule, regulation, standard, or order which is inconsistent with the provisions of this Act. Nothing in this Act shall preclude a State or a political subdivision of a State from adopting or putting into effect any law, rule, regulation, standard, or order which is consistent with this Act and is in addition to or more stringent than any requirement of or regulation issued under this Act. The Secretary may, and is encouraged to, consult with the States to simplify and expedite the approval of space launch activities.

(b) A launch vehicle or payload shall not, by reason of the launching of such vehicle or payload, be considered an export for purposes of any law controlling exports.

(c) Nothing in this Act shall apply to—

(1) any—

(A) launch or operation of a launch vehicle,

(B) operation of a launch site, or

(C) other space activity,

carried out by the United States on behalf of the United States; or

(2) any planning or policies relating to any such launch, operation, or activity.

(d) The Secretary shall carry out this Act consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign nation. In carrying out this Act, the Secretary shall consider applicable laws and requirements of any foreign nation.

REPORT ON LEGISLATION

Report. 49 USC app. 2621.

SEC. 22. (a) Not later than the last day of each fiscal year ending after the date of enactment of this Act and before October 1, 1989, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing all activities undertaken under this Act, including a description of the process for the application for and approval of licenses under this Act and recommendations for legislation that may further commercial launches.

(b) Not later than July 1, 1985, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which identifies Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial launches and include recommendations on appropriate changes thereto.

SEVERABILITY

SEC. 23. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to any other person or circumstance shall not be affected by such invalidation. 49 USC app. 2622

AUTHORIZED APPROPRIATIONS

SEC. 24. There are authorized to be appropriated to the Secretary $4,000,000 for fiscal year 1985. 49 USC app. 2623.

EFFECTIVE DATE

SEC. 25. (a) Except for section 15 and the authority to issue regulations, this Act shall take effect 180 days after the date of enactment of this Act. 49 USC app. 2601 note.

(b) Section 15 shall take effect on the date of enactment of this Act, except that nothing in this Act shall affect any agreement, including negotiations which are substantially completed, relating to the acquisition of launch property or launch services of the United States entered into on or before the date of enactment of this Act between the United States and any private party.

(c) Regulations to implement this Act shall be promulgated not later than 180 days after the date of enactment of this Act. Regulations.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 3942:

HOUSE REPORT No. 98-816 (Comm. on Science and Technology).
SENATE REPORT No. 98-656 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    June 5, considered and passed House.
    Oct. 9, considered and passed Senate, amended; House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 44 (1984):
    Oct. 30, Presidential statement.

VETERANS ACTS

Public Law 98-223
98th Congress

98 STAT. 37

An Act

To amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors; to express the sense of the Congress that increases in the rates of compensation should take effect on December 1 beginning in fiscal year 1985; and for other purposes.

Mar. 2, 1984
[S. 1388]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Compensation and Program Improvements Amendments of 1984".

Veterans' Compensation and Program Improvements Amendments of 1984.
38 USC 101 note.

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

96 Stat. 1429.
38 USC 314.

(1) by striking out "$62" in subsection (a) and inserting in lieu thereof "$64";

(2) by striking out "$114" in subsection (b) and inserting in lieu thereof "$118";

(3) by striking out "$173" in subsection (c) and inserting in lieu thereof "$179";

(4) by striking out "$249" in subsection (d) and inserting in lieu thereof "$258";

(5) by striking out "$352" in subsection (e) and inserting in lieu thereof "$364";

(6) by striking out "$443" in subsection (f) and inserting in lieu thereof "$459";

(7) by striking out "$559" in subsection (g) and inserting in lieu thereof "$579";

(8) by striking out "$648" in subsection (h) and inserting in lieu thereof "$671";

(9) by striking out "$729" in subsection (i) and inserting in lieu thereof "$755";

(10) by striking out "$1,213" in subsection (j) and inserting in lieu thereof "$1,255";

(11) by striking out "$1,506" and "$2,111" in subsection (k) and inserting in lieu thereof "$1,559" and "$2,185", respectively;

(12) by striking out "$1,506" in subsection (l) and inserting in lieu thereof "$1,559";

98 STAT. 38

(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,719";

(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,954";

(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,185";

(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$938" and "$1,397", respectively;

(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,404";

(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$271"; and

(19) by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

38 USC 314 note.

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC note prec. 101.

38 USC 301 *et seq.*

38 USC 312, 355.

(c) Sections 312 and 355 are amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

ADDITIONAL COMPENSATION FOR DEPENDENTS

96 Stat. 1430.
38 USC 315.

SEC. 102. (a) Section 315(1) is amended—

(1) by striking out "$74" in clause (A) and inserting in lieu thereof "$77";

(2) by striking out "$124" and "$40" in clause (B) and inserting in lieu thereof "$128" and "$41", respectively;

(3) by striking out "$50" and "$40" in clause (C) and inserting in lieu thereof "$52" and "$41", respectively;

(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";

(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139"; and

(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$116".

(b) Section 315 is amended by striking out "per centum" both places it appears and inserting in lieu thereof "percent".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

96 Stat. 1430.
38 USC 362.

SEC. 103. Section 362 is amended by striking out "$327" and inserting in lieu thereof "$338".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

96 Stat. 1430.
38 USC 411.

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

98 STAT. 39

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$461	W-4	$661
E-2	475	O-1	583
E-3	486	O-2	602
E-4	518	O-3	644
E-5	532	O-4	681
E-6	544	O-5	751
E-7	571	O-6	846
E-8	602	O-7	915
E-9	[1] 629	O-8	1,003
W-1	583	O-9	1,077

W-2	607	O-10	[2] 1,179
W-3	624		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $678.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,265.".

(b) Subsection (b) of such section is amended by striking out "$51" and inserting in lieu thereof "$53".

(c) Subsection (c) of such section is amended by striking out "$134" and inserting in lieu thereof "$139".

(d) Subsection (d) of such section is amended by striking out "$66" and inserting in lieu thereof "$68".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended— 96 Stat. 1431. 38 USC 413.

(1) by striking out "$225" in clause (1) and inserting in lieu thereof "$233";

(2) by striking out "$323" in clause (2) and inserting in lieu thereof "$334";

(3) by striking out "$417" in clause (3) and inserting in lieu thereof "$432"; and

(4) by striking out "$417" and "$84" in clause (4) and inserting in lieu thereof "$432" and "$87", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended— 96 Stat. 1431. 38 USC 414.

(1) by striking out "$134" in subsection (a) and inserting in lieu thereof "$139";

(2) by striking out "$225" in subsection (b) and inserting in lieu thereof "$233"; and

(3) by striking out "$114" in subsection (c) and inserting in lieu thereof "$118".

EFFECTIVE DATE

SEC. 107. The amendments made by this part shall take effect on April 1, 1984. 38 USC 312 note.

98 STAT. 40

EFFECTIVE DATE OF FUTURE INCREASES

SEC. 108. It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose. 38 USC 301 note. 38 USC 301 *et seq.*, 401 *et seq.*

PART B—COMPENSATION PROGRAM AMENDMENTS

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 111. Section 312(b) is amended— 38 USC 312.

(1) by striking out "or" at the end of clause (8);

(2) by inserting "or" at the end of clause (9); and

(3) by inserting after clause (9) the following new clause: "(10) dysthymic disorder (or depressive neurosis),".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

SEC. 112. (a) Subsection (o) of section 314 is amended by inserting 38 USC 314.

"or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less," after "5/200 visual acuity or less,".

(b) Subsection (p) of section 314 is amended—

(1) by striking out "40" in clause (1) and inserting in lieu thereof "30"; and

(2) by inserting after the second period the following new sentence: "In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Administrator shall allow the next intermediate rate, but in no event in excess of $2,185.".

INCREASES IN COMPENSATION ON ACCOUNT OF CERTAIN PERIODS OF HOSPITALIZATION OR CONVALESCENCE

96 Stat. 801.
38 USC 3011.

SEC. 113. Section 3011(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a temporary increase in compensation for hospitalization or treatment where such hospitalization or treatment commences and terminates within the same calendar month, the period of payment shall commence on the first day of such month.".

EFFECTIVE DATE

38 USC 312 note.

SEC. 114. The amendments made by this part shall take effect as of October 1, 1983.

98 STAT. 41

TITLE II—VETERANS' PROGRAM IMPROVEMENTS

INCLUSION OF CERTAIN ADOPTED PERSONS WITHIN THE TITLE 38 DEFINITION OF CHILD

38 USC 101.

SEC. 201. Section 101(4)(A) is amended by adding at the end the following new sentence: "A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.".

FIVE-YEAR EXTENSION OF PROGRAM TO PROVIDE ASSISTANCE TO STATE VETERANS' CEMETERIES

38 USC 1008.

SEC. 202. Section 1008(a)(2) is amended by inserting a comma and "and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years," after "fiscal years".

MISCELLANEOUS EDUCATION PROGRAM AMENDMENTS

38 USC 1602.

SEC. 203. (a) Section 1602(1) is amended by adding at the end the following new subparagraph:

38 USC 1651 *et seq.*

"(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

"(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 1652(a)(3)(C) of this title to have such service considered to be 'active duty' for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.".

38 USC 1652.

(b) Section 1733(a) is amended—

38 USC 1733.

(1) by inserting "(with no dependents)" after "an eligible veteran"; and

(2) by striking out all after "of this title" the second place it appears and inserting in lieu thereof a period.

(c)(1) Section 1781 is amended—

38 USC 1781.

(A) by inserting "(a)" before "No educational"; and

(B) by adding at the end the following new subsection:

"(b) No person may receive benefits concurrently under two or more of the provisions of law listed below for the pursuit of the same program of education:

"(1) Chapters 31, 32, 34, 35, and 36 of this title.

"(2) Chapter 107 of title 10.

"(3) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(4) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

38 USC 1501 *et seq.*, 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

10 USC 2141 *et seq.*

(2)(A) Subsection (a) of section 1795 is amended to read as follows:

38 USC 1795.

98 STAT. 42

"(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

"(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

"(2) Title II of the Veterans' Readjustment Assistance Act of 1952.

66 Stat. 663.

"(3) The War Orphans' Educational Assistance Act of 1956.

"(4) Chapters 32, 34, 35, and 36 of this title, and the former chapter 33.

"(5) Chapter 107 of title 10.

"(6) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

"(7) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).".

38 USC 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

10 USC 2141 *et seq.*

(B) Subsection (b) of such section is amended—

(i) by striking out "clauses (1), (2), (3), and (4)" and inserting in lieu thereof "subsection (a)"; and

(ii) by striking out "forty-eight" and inserting in lieu thereof "48".

SUBSTITUTION OF HOUSING LOAN-GUARANTY ENTITLEMENT

SEC. 204. Section 1802(b)(2) is amended by striking out "an immediate" and inserting in lieu thereof "a".

38 USC 1802.

LOAN GUARANTIES FOR MANUFACTURED HOMES PERMANENTLY AFFIXED TO LOTS

SEC. 205. (a) Section 1810 is amended—

38 USC 1810.

(1) by inserting after subsection (a)(8) the following new clause:

"(9)(A)(i) To purchase a manufactured home to be permanently affixed to a lot that is owned by the veteran.

"(ii) To purchase a manufactured home and a lot to which the home will be permanently affixed.

"(B)(i) To refinance, in accordance with the terms and conditions applicable under the provisions of subsection (e) of this section (other than paragraph (1)(E) of such subsection) to the guaranty of a loan for the purpose specified in clause (8) of this subsection, an existing loan guaranteed, insured, or made under this chapter that is secured by a manufactured home permanently affixed to a lot that is owned by the veteran.

96 Stat. 1444.
38 USC 1819.

"(ii) To refinance, in accordance with section 1819(a)(5) of this title, an existing loan that was made for the purchase of, and that is secured by, a manufactured home that is permanently affixed to a lot and to purchase the lot to which the manufactured home is affixed."; and

(2) by adding at the end the following new subsection:

"(f)(1) For a loan to be guaranteed for the purpose specified in subclause (A)(ii) or (B)(ii) of subsection (a)(9) of this section, the purchase of (or the refinancing of a loan secured by) the manufactured home and the lot for that home shall be considered as one loan and must comply with such criteria as may be prescribed by the Administrator in regulations.

"(2) A loan may not be guaranteed for the purposes of subsection

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(a)(9) of this section unless the manufactured home purchased, upon being permanently affixed to the lot, is considered to be real property under the laws of the State where the lot is located.".

96 Stat. 1444.
38 USC 1819.

(b) Section 1819(a)(5) is amended by inserting "or section 1810(a)(9)(B)(ii) of this title" after "paragraph (1)(G) of this subsection" both places it appears.

96 Stat. 1444.
38 USC 1803.

(c) Section 1803(c)(3) is amended—

(1) by striking out "or (8)" in clause (A) and inserting in lieu thereof a comma and "(8), or (9)(B)(i)"; and

(2) by inserting "1810(a)(9)(B)(ii) or" in clause (E) after "section".

EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS

"Special disabled veteran."
38 USC 2011.

Sec. 206. Section 2011(1) is amended to read as follows:

"(1) The term 'special disabled veteran' means—

"(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans' Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap; or

"(B) a person who was discharged or released from active duty because of service-connected disability.".

PAYMENTS FOR FIDUCIARY SERVICES

38 USC 3202.

Sec. 207. (a) Section 3202(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) In a case in which the Administrator determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Administrator may authorize a fiduciary appointed by the Veterans' Administration to obtain from the beneficiary's estate a reasonable commission for fiduciary services rendered, but the commission for any year may not exceed 4 percent of the monetary benefits under laws administered by the Veterans' Administration paid on behalf of the beneficiary to the fiduciary during such year. A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary.".

(b)(1) The heading for section 3202 is amended to read as follows:

"§ 3202. Payments to and supervision of fiduciaries".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 is amended to read as follows:

"3202. Payments to and supervision of fiduciaries.".

BOARD OF VETERANS' APPEALS MEMBERSHIP

38 USC 4001.

SEC. 208. (a) Section 4001(a) is amended by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than 65)".

(b) Section 4001 is amended by adding at the end the following new subsection:

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"(c)(1) Subject to paragraph (2) of this subsection, the Chairman may from time to time designate employees of the Veterans' Administration to serve as temporary members of the Board. Any such designation shall be for a period of not to exceed one year, as determined by the Chairman. An individual may not serve as a temporary member of the Board for more than 24 months during any 48-month period.

"(2) Designation under paragraph (1) of this subsection of an individual as a temporary member of the Board may not be made when there are fewer than 65 members of the Board.

Report.
38 USC 214.

"(3) In each annual report to the Congress under section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which the report is made with respect to the authority provided by paragraph (1) of this subsection. In each such report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of temporary Board members designated under this subsection and the number of acting Board members designated under section 4002(a)(2)(A)(ii) of this title during the year for which the report is made.".

Infra.

38 USC 4001, 4002.

(c) Sections 4001 and 4002 are each amended by striking out "associate" each place it appears.

38 USC 4002.

(d) Section 4002 is amended—

(1) by inserting "(a)(1)" before "The Chairman";

(2) by striking out the second sentence and inserting in lieu thereof the following:

"(2)(A) If a section is composed of fewer than three members as a result of the absence of a member or a vacancy on the Board or the inability of a member assigned to a section to serve on that section, the Chairman—

"(i) may assign another member of the Board to the section;

"(ii) may designate an employee of the Veterans' Administration to serve as an acting member of the Board on such section for a period of not to exceed 90 days, as determined by the Chairman; or

"(iii) may direct the section to proceed with the transaction of business without awaiting the assignment of an additional member to the section.

"(B) An individual may not serve as an acting member of the Board for more than 270 days during any 12-month period.

"(3) A section of the Board may not at any time have among its members more than one individual who is a temporary member designated under section 4001(c) of this title or an acting member designated under paragraph (2)(A)(ii) of this subsection.";

Supra.

(3) by designating the sentence beginning "A hearing docket" as subsection (b); and

(4) by designating the sentence beginning "A section of" as subsection (c).

MEMBERSHIP OF SPECIAL MEDICAL ADVISORY GROUP

38 USC 4112.

SEC. 209. Section 4112(a) is amended—

(1) by inserting a comma and "other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Department of Medicine and Surgery," after "professions";

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(2) by striking out "Director, whose duties" and inserting in lieu thereof "Director. The duties of the special medical advisory group"; and

(3) by striking out "direct" and inserting in lieu thereof "directly".

REVISION OF EFFECTIVE DATE FOR CERTAIN RESERVE OFFICERS' TRAINING CORPS PARTICIPANTS' ELIGIBILITY FOR VETERANS' ADMINISTRATION BENEFITS

SEC. 210. Subsection (d) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306; 96 Stat. 1433) is amended to read as follows:

38 USC 101 note.

"(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c)—

"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983.".

PILOT PROGRAM FOR EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

SEC. 211. (a)(1) Subject to subsection (b) and notwithstanding any other provision of law, during fiscal years 1984 and 1985 the Administrator of Veterans' Affairs may obligate, for the purpose described in paragraph (2), a total of not more than $25,000,000 of funds appropriated to the Veterans' Administration under the appropriation account "CONSTRUCTION, MAJOR PROJECTS" that are unobligated and that the Administrator determines are no longer needed for the projects for which such funds were appropriated and are not needed for contingencies arising in the Veterans' Administration's construction program.

(2) Funds described in paragraph (1) may be obligated for the purpose of undertaking during fiscal year 1984 or 1985 working drawings for any project for construction or alteration of any medical facility that is planned to be undertaken (subject to appropriations for such project) during fiscal year 1985 or 1986.

(b)(1) Funds may not be obligated under subsection (a) for working drawings for projects for the complete replacement of an existing health-care facility or for projects for the new construction of a complete health-care facility.

(2) The amount obligated under subsection (a) for working drawings for any one project may not exceed $2,500,000.

Notification to congressional committees.

(3) The Administrator may not undertake under subsection (a) working drawings for a project unless the Administrator, not less than 30 days before undertaking the drawings, has provided to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives written notice of the drawings to be undertaken, the estimated cost of the drawings, and the estimated range of the total cost of the project.

Definitions.

(c) For the purpose of this section:

(1) The term "medical facility" has the meaning provided in section 5001(3) of title 38, United States Code.

(2) The term "working drawings" includes specifications and other related technical services.

SPRINGFIELD CONFEDERATE CEMETERY

SEC. 212. The land comprising the Confederate cemetery at Springfield, Missouri, shall be considered part of the Springfield National Cemetery and may be used for the purposes for which national cemeteries may be used under chapter 24 of title 38, United States Code. The provision of the first section of the Act of March 3, 1911 (36 Stat. 1077, chapter 211) requiring that the land comprising that cemetery be used only as a cemetery for the graves of men who

38 USC 1000 *et seq.*

were in the military or naval service of the Confederate States of America is hereby superseded.

TECHNICAL AMENDMENTS

SEC. 213. Title 38 is amended as follows:

(1) Section 351 is amended by striking out "title 28, United States Code," both places it appears and inserting in lieu thereof "title 28".

(2) Section 412(a) is amended—

(A) by striking out "section 414 of title 42" in clause (1) and inserting in lieu thereof "section 214 of the Social Security Act (42 U.S.C. 414)";

(B) by striking out "section 402 of title 42" in clause (3) and inserting in lieu thereof "section 202 of the Social Security Act (42 U.S.C. 402)"; and

(C) by striking out "subchapter II of chapter 7 of title 42" in the matter after clause (3) and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 201 et seq.)"; and

(3) Section 3010(m) is amended by striking out "subsection" and inserting in lieu thereof "section".

Approved March 2, 1984.

LEGISLATIVE HISTORY—S. 1388 (H.R. 2937):

HOUSE REPORT No. 98-228 accompanying H.R. 2937 (Comm. on Veterans' Affairs).
SENATE REPORT No. 98-249 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 18, considered and passed Senate.
Vol. 130 (1984): Feb. 8, considered and passed House, amended.
Feb. 9, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 9 (1984):
Mar. 2, Presidential statement.

Public Law 98-528
98th Congress

98 STAT. 2686

An Act

To amend title 38, United States Code, to revise and improve Veterans' Administration health programs and to improve security and law enforcement at Veterans' Administration facilities; and for other purposes.

Oct. 19, 1984
[H.R. 5618]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Health Care Act of 1984.
38 USC 101 note.

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Health Care Act of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HEALTH PROGRAMS

SECURITY AND LAW ENFORCEMENT AT VETERANS' ADMINISTRATION FACILITIES

SEC. 101. (a)(1) Section 218 is amended to read as follows: 38 USC 218.

"§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration

Regulations.

"(a)(1) The Administrator shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as 'Veterans' Administration property').

"(2) Such regulations shall include—

"(A) rules for conduct on Veterans' Administration property; and

"(B) the penalties, within the limits specified in paragraph (3) of this subsection, for violations of such rules.

Penalties.

"(3) Whoever violates any rule prescribed under paragraph (2)(A) of this subsection shall be fined not more than $500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in the regulations prescribed under this subsection), or both.

"(4) The rules prescribed under clause (A) of paragraph (2) of this subsection, together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

"(5) The Administrator shall consult with the Attorney General before prescribing regulations under this subsection.

98 STAT. 2687

"(b)(1) Veterans' Administration employees who are Veterans' Administration police officers shall enforce Federal laws and the rules prescribed under subsection (a)(2)(A) of this section on Veterans' Administration property. Subject to regulations prescribed under paragraph (2) of this subsection, a Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of any Federal law or of any such rule.

Regulations.

"(2) The Administrator shall prescribe regulations with respect to Veterans' Administration police officers. Such regulations shall include—

"(A) policies with respect to the exercise by Veterans' Administration police officers of the enforcement and arrest authorities provided by paragraph (1) of this subsection;

"(B) the scope and duration of training that is required for Veterans' Administration police officers, with particular emphasis on dealing with situations involving patients; and

"(C) rules limiting the carrying and use of weapons by Veterans' Administration police officers.

"(3) The Administrator shall consult with the Attorney General before prescribing regulations under clause (A) of paragraph (2) of this subsection.

"(4) Rates of basic pay for Veterans' Administration police officers may be increased by the Administrator under section 4107(g) of this title.

"(c)(1) The Administrator may pay an allowance under this subsection for the purchase of uniforms to any Veterans' Administration police officer who is required to wear a prescribed uniform in the performance of official duties.

"(2) The amount of the allowance that the Administrator may pay under this subsection—

"(A) may be based on estimated average costs or actual costs;

"(B) may vary by geographic regions; and

"(C) except as provided in paragraph (3) of this paragraph, may not exceed $200 in a fiscal year for any police officer.

"(3)(A) The amount of an allowance under this subsection may be increased to an amount up to $400 for not more than one fiscal year in the case of any Veterans' Administration police officer. In the case of a person who is appointed as a Veterans' Administration police officer on or after the date on which the Administrator initially exercises the authority granted by this paragraph, an allowance in an amount established under this paragraph shall be paid at the beginning of such person's employment as such an officer. In the case of any other Veterans' Administration police officer, an allowance in an amount established under this paragraph shall be paid upon the request of the officer.

"(B) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this paragraph shall repay to the Veterans' Administration a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such allowance, as the case may be.

"(4) An allowance may not be paid to a Veterans' Administration police officer under this subsection and under section 5901 of title 5 for the same fiscal year.

"(d) The Administrator shall furnish Veterans' Administration police officers with such weapons and related equipment as the Administrator determines to be necessary and appropriate.

98 STAT. 2688

"(e) With the permission of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.".

38 USC 218 note.

(2) The provisions of section 218 of title 38, United States Code, other than clause (2) of subsection (a) of such section, as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator of Veterans' Affairs prescribes the regulations required to be prescribed by subsections (a) and (b) of such section as amended by subsection (a) of this section.

(3) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration.".

97 Stat. 1001.
38 USC 4107.

(b) Section 4107(g) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of clause (A);

(B) by striking out the comma and inserting in lieu thereof a semicolon and "or" at the end of subclause (iv) of clause (B); and

(C) by inserting after clause (B) the following new clause:

"(C) of employees who are Veterans' Administration police officers providing services under section 218 of this title,";

(2) by striking out "health-care" each place it appears in paragraphs (2)(A) and (4); and

(3) by inserting "or (C)" after "(B)" in paragraph (4).

Report.

(c) Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of the amendments made by this section. The report shall include (1) the regulations prescribed under section 218 of title 38, United States Code, as amended by subsection (a), and (2) a description of the methodology to be used to determine how the authority provided in the amendments made by subsection (b) is to be exercised.

COMPTROLLER GENERAL REPORT ON MEDICAL PERSONNEL STAFFING LEVELS

Report.
38 USC 5010.

SEC. 102. Section 5010(a)(4)(C) is amended to read as follows: "(C) Whenever the Director of the Office of Management and Budget is required to submit a certification under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director has complied with the requirements of that subparagraph. The Comptroller General shall submit the report not later than fifteen days after the end of the period specified in such subparagraph for the Director to submit the certification.".

CONTRACT HEALTH CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

97 Stat. 730.
38 USC 601.

SEC. 103. (a) Section 601(4)(C)(v) is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985".

38 USC 601 note.

(b) Any action by the Administrator of Veterans' Affairs in entering into a contract applicable to the period beginning on October 1, 1984, and ending on the date of the enactment of this Act for the provision of care described in subclause (v) of section 601(4)(C) of title 38, United States Code, and any waiver described in that subclause made by the Administrator that is applicable to that period, is hereby ratified with respect to that period.

98 STAT. 2689

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GERIATRIC RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES

38 USC 4101.

SEC. 104. Section 4101(f)(3) is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to paragraph (1) of this subsection.".

ACQUISITION OF PROPERTIES FOR USE AS STATE VETERANS' HOMES

SEC. 105. Subchapter III of chapter 81 is amended as follows:

38 USC 5032.

(1) Section 5032 is amended by inserting "(or to acquire facilities to be used as State home facilities)" after "State home facilities".

38 USC 5034.

(2) Section 5034 is amended by inserting "or acquired" after "constructed" each place it appears.

38 USC 5035.

(3) Section 5035 is amended—

(A) by inserting "(or acquisition of a facility to be used as a State home facility)" in the first sentence of subsection (a) after "State home facilities";

(B) by inserting "(or of the estimated cost of facility acquisition and construction)" in clause (1) of subsection (a) after "cost of construction";

(C) by inserting "(or for facility acquisition and construction of the project)" in clause (6) of subsection (a) after "construction of the project";

(D) by striking out "sections 276a through 276a-5 of title 40" in clause (8) of subsection (a) and inserting in lieu thereof "the Act of March 3, 1931 (40 U.S.C. 276a—276a-5)";

(E) by striking out "and" at the end of clause (7), by striking out the period at the end of clause (8) and inserting in lieu thereof a comma and "and", and by inserting after clause (8) the following new clause:

"(9) in the case of a project for acquisition of a facility, reasonable assurance that the estimated total cost of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility will not be greater than the estimated cost of construction of an equivalent new facility.";

(F) by inserting "(or of the estimated cost of facility acquisition and construction)" in clause (2) of subsection (b) after "cost of construction";

(G) by striking out "the construction of" in clause (4) of subsection (b) and inserting in lieu thereof "the carrying out of"; and

(H) in subsection (d)(1)—

(i) by inserting "(or of the estimated cost of facility acquisition and construction)" in the first sentence after "cost of construction";

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(ii) by striking out "constructed" in the second sentence and inserting in lieu thereof "carried out";

(iii) by striking out "construction" in the third sentence and inserting in lieu thereof "the project"; and

(iv) by striking out "the construction of" in the fourth sentence.

38 USC 5036.

(4) Section 5036 is amended—

(A) by striking out "for construction" after "completion of any project";

(B) by inserting "acquisition," after "in the case of the";

(C) by striking out "value of such construction" and inserting in lieu thereof "value of such project";

(D) by striking out "for such construction" after "assistance provided for"; and

(E) by striking out "twenty" both places it appears and inserting in lieu thereof "20".

38 USC 5037.

(5) Section 5037 is amended by inserting "or acquired" after "constructed".

COORDINATION OF VETERANS' ADMINISTRATION HEALTH-CARE SERVICES WITH STATE AND LOCAL PROGRAMS

38 USC 220.

SEC. 106. (a) Section 220 is amended—

(1) by inserting "(a)" before "The Administrator"; and

(2) by adding at the end the following new subsection:

"(b) The Administrator shall seek to achieve the effective coordination of the provision, under laws administered by the Veterans' Administration, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Administrator shall place special emphasis on veterans who are sixty-five years of age or older.".

(b)(1) The heading of such section is amended to read as follows:

"§ 220. Coordination and promotion of other programs affecting veterans and their dependents".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:

"220. Coordination and promotion of other programs affecting veterans and their dependents.".

MEDICAL AND REHABILITATIVE DEVICES

38 USC 617.

SEC. 107. Section 617 is amended—

(1) by inserting "(a)" before "The Administrator"; and

(2) by adding at the end the following new subsection:

"(b) The Administrator may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment.".

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

97 Stat. 1000.
38 USC 4104.

SEC. 108. Section 4104 is amended—

(1) by inserting "(other than those described in paragraph (3))" after "psychologists" in paragraph (2); and

(2) by striking out "Certified" in paragraph (3) and inserting in lieu thereof "Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Administrator, certified".

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WAIVER OF MANDATORY REDUCTIONS IN MILITARY RETIRED PAY FOR CERTAIN PHYSICIANS

38 USC 4107.

SEC. 109. Section 4107 is amended by adding at the end the following new subsection:

"(i) The Administrator may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions which otherwise cannot be readily met.".

POST-TRAUMATIC-STRESS DISORDER

38 USC 612A note.

SEC. 110. (a)(1) The Chief Medical Director of the Veterans' Administration may designate special programs within the Department of Medicine and Surgery for the diagnosis and treatment of post-traumatic-stress disorder (hereinafter in this section referred to as "PTSD").

(2) The Chief Medical Director shall direct (A) that (in addition to providing diagnostic and treatment services for PTSD) Veterans' Administration programs designated under paragraph (1) (hereinafter in this section referred to as "designated PTSD programs") carry out activities to promote the education and training of health-care personnel (including health-care personnel not working for the Veterans' Administration or the Federal Government) in the causes, diagnosis, and treatment of PTSD, and (B) that (when appropriate) the provision of treatment services under such program be coordinated with the provision of readjustment counseling services under section 612A of title 38, United States Code.

Special Committee on Post-Traumatic-Stress Disorder, establishment.

(b)(1) The Chief Medical Director shall establish in the Department of Medicine and Surgery a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the "Special Committee"). The Chief Medical Director shall appoint qualified employees of the Department to serve on the Special Committee.

(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Veterans' Administration to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the Veterans' Administration.

(3) The Special Committee shall also advise the Chief Medical Director regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of PTSD (A) in designated PTSD programs, (B) in inpatient psychiatric programs and outpatient mental health programs other than designated PTSD programs, and (C) in readjustment counseling programs of the Veterans' Administration.

(4) The Special Committee shall also make recommendations to the Chief Medical Director for guidance with respect to PTSD regarding—

(A) appropriate diagnostic and treatment methods;

(B) referral for and coordination of followup care;

(C) the evaluation of PTSD treatment programs;

(D) the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (c));

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(E) special programs of education and training for employees of the Department of Medicine and Surgery and the Department of Veterans' Benefits (also taking into account such provisions);

(F) the appropriate allocation of resources for all such activities; and

(G) any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of designated PTSD programs.

National Center on Post-Traumatic-Stress Disorder, establishment.

(c) The Chief Medical Director shall establish and operate in the Department of Medicine and Surgery a National Center on Post-Traumatic-Stress Disorder. The National Center (1) shall carry out and promote the training of health care and related personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans for PTSD, and (2) shall serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Veterans' Administration, and by other Federal and non-Federal entities, with respect to PTSD.

(d) The Chief Medical Director shall regularly compile and publish the results of research that has been conducted relating to PTSD.

Report.

(e)(1) Not later than March 1, 1985, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and

House of Representatives a report on the implementation of this section. The report shall include the following:

(A) A list of the members of the Special Committee.

(B) A list of all designated PTSD programs and other programs providing treatment for PTSD, together with a description of the resources that have been allocated for the development and operation of each such program, a description of the education and training that has been provided for Veterans' Administration health-care personnel in such programs and elsewhere within the Veterans' Administration in the diagnosis and treatment of PTSD, and specification of the funding that has been allocated to each such program and elsewhere within the Veterans' Administration to support research relating to PTSD.

(C) The assessment of the Chief Medical Director of the Veterans' Administration, after consultation with the Special Committee, regarding the capability of the Veterans' Administration to meet the needs for inpatient and outpatient PTSD diagnosis and treatment (both through designated PTSD programs and otherwise) of veterans who served in the Republic of Vietnam during the Vietnam era, former prisoners of war, and other veterans eligible for health care from the Veterans' Administration and the efficacy of the treatment so provided, as well as a description of the results of any evaluations that have been made of PTSD treatment programs.

(D) The plans of the Special Committee for further assessments of the capability of the Veterans' Administration to diagnose and treat veterans with PTSD.

(E) The recommendations made by the Special Committee to the Chief Medical Director and the views of the Chief Medical Director on such recommendations.

(F) A summary of the results of research conducted by the Veterans' Administration relating to PTSD.

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(G) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied to implement subsections (b) and (c).

(H) The assessment of the Administrator of the capacity of the Veterans' Administration to meet in all geographic areas of the United States the needs described in subparagraph (C) and any plans and timetable for increasing that capacity (including the costs of such action).

Report.

(2) Not later than February 1, 1986, and February 1 of each of the three following years, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.

ALCOHOL AND DRUG TREATMENT AND REHABILITATION GUIDELINES

Report.

38 USC 601 *et seq.*

SEC. 111. Not later than six months after the date of the enactment of this Act, the Administrator of Veterans' Affairs (1) shall issue guidelines for the treatment and rehabilitation of veterans for alcohol or drug dependence or abuse disabilities under chapter 17 of title 38, United States Code, in facilities over which the Administrator has direct jurisdiction, and (2) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report (including a copy of such guidelines) on the implementation of this section.

TITLE II—REPORTS

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL VETERANS

SEC. 201. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on programs of the Veterans' Administration to furnish palliative care, supportive counseling, and other medical services to terminally ill veterans and, pursuant to section 601(6)(B) of title 38, United States Code, supportive counseling to members of such veterans' families.

(b) The report required by subsection (a) shall include the following:

(1) A review of Veterans' Administration policies and guidelines on the provision of care, counseling, and services described in subsection (a).

(2) A review of the care, counseling, and services furnished, including the treatment modalities used and services furnished by the Veterans' Administration.

(3) An analysis and a comparison of the care, counseling, and services furnished with respect to terminally ill veterans in hospice and other Veterans' Administration programs, including a comparison of the routine and ancillary services, of the duration of inpatient and outpatient treatment and hospital-based home care, and of the cost of care furnished in such programs.

(4) An explanation of how the care, counseling, and services described in subsection (a) are or will be included in the overall plans of the Veterans' Administration for providing health care to older veterans in the future and the extent to which plans to furnish hospice care are included in such plans.

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(5) A review of any steps taken to arrange for the exchange of information between Veterans' Administration facilities providing the care, counseling, and services described in subsection (a) and non-Veterans' Administration facilities providing similar care, counseling, and services.

VETERANS RESIDING IN REMOTE GEOGRAPHIC AREAS

SEC. 202. (a) The Congress makes the following findings:

(1) Many veterans with service-connected disabilities and other veterans eligible for certain health-care services from the Veterans' Administration, within the limits of Veterans' Administration facilities, reside in areas of the United States that are geographically remote from health-care facilities over which the Administrator of Veterans' Affairs has direct jurisdiction.

(2) For many such veterans such health-care facilities are geographically inaccessible and for many other such veterans the inconvenience of travel to such facilities discourages them from seeking health-care services from the Veterans' Administration.

(3) A study conducted by the Administrator of eligible veterans residing in remote areas and the use by those veterans of Veterans' Administration health-care services would provide useful information on the feasibility and appropriateness of alternative approaches to furnishing health-care services to such veterans.

Study.

(b)(1) The Administrator shall carry out a study to develop information about veterans who reside in remote areas and are eligible for health-care services from the Veterans' Administration and to develop alternative approaches that could be adopted to furnish such veterans with such services. In carrying out the study, the Administrator shall develop the following information:

(A) To the maximum extent feasible, statistics on the number of eligible veterans who, during fiscal year 1985—

(i) reside less than fifty miles from the nearest Veterans' Administration medical facility,

(ii) reside between fifty miles and one hundred miles from the nearest Veterans' Administration medical facility,

(iii) reside between one hundred miles and two hundred miles from the nearest Veterans' Administration medical facility, and

(iv) reside more than two hundred miles from the nearest Veterans' Administration medical facility.

(B) Statistics, shown by each group of veterans described in clause (A), on the numbers of eligible veterans who, during fiscal year 1985—

(i) use Veterans' Administration medical facilities,

(ii) receive inpatient care in such facilities (including the typical lengths of stay of such veterans in such facilities),

(iii) receive outpatient care from such facilities, and

(iv) receive followup health-care services from such facilities.

(C) Such additional statistics and such additional information as the Administrator considers appropriate.

(D) Breakdowns of the statistics described in clauses (A) and (B) with respect to age, service connection, and financial need regarding the applicable veteran populations.

Reports.

(2) Not later than January 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a full report on the study under paragraph (1). The report shall include—

(A) the statistics and breakdown developed and information gathered under that paragraph;

(B) the Administrator's findings on the extent of the need for the Veterans' Administration to increase health-care services in remote areas; and

(C) the Administrator's findings and recommendations regarding the advantages and disadvantages of the Veterans' Administration contracting for and making other arrangements for the furnishing of health-care services to eligible veterans in remote areas.

(3) Not later than July 1, 1986, the Administrator shall submit to such committees a report describing an experimental program that could feasibly be carried out through projects in five remote areas, selected on the basis of the information and findings included in the report under paragraph (2), to demonstrate alternative approaches for the Veterans' Administration to furnish health-care services to eligible veterans in remote areas. The report shall include a description of the health-care services, and a detailed breakdown of the costs for them, that could be furnished under such an experimental program to such veterans in each such area, along with the recommendations (and the reasons therefor) of the Administrator regarding whether any such project should be carried out and such recommendations for legislative or administrative action as the Administrator considers appropriate in light of the information contained in the report.

TITLE III—MISCELLANEOUS

MODIFICATION OF REVERSIONARY INTEREST IN CERTAIN LAND, LOS ANGELES, CALIFORNIA

Real property.

SEC. 301. (a) The Administrator of Veterans' Affairs shall execute such legal documents as are necessary to permit the use of the real property described in subsection (b) (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator requires in order to protect the interests of the United States.

(b) The real property referred to in subsection (a) is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

(c) Any document executed to carry out subsection (a) of this section shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.

98 STAT. 2696

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 302. (a) The Veterans' Administration Medical Center in Murfreesboro, Tennessee, shall after the date of the enactment of this Act be known and designated as the "Alvin C. York Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Alvin C. York Veterans' Administration Medical Center.

(b) The Veterans' Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

Approved October 19, 1984.

LEGISLATIVE HISTORY—H.R. 5618 (S. 2514):

HOUSE REPORT No. 98-779 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    May 21, considered and passed House.
    Aug. 9, considered and passed Senate, amended, in lieu of S. 2514.
    Oct. 2, House concurred in Senate amendments with amendments.
    Oct. 3, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984): Oct. 19, Presidential statement.

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98 STAT. 2735

Public Law 98-543
98th Congress

An Act

Oct. 24, 1984
[H.R. 5688]

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and of dependency and indemnity compensation for surviving spouses and children of veterans, to increase the rates of subsistence and educational assistance allowances for veterans pursuing vocational rehabilitation programs under chapter 31 of such title and for veterans and eligible persons pursuing programs of education or training under chapter 34, 35, or 36 of such title, to increase the opportunities for vocational rehabilitation of certain veterans receiving disability compensation, and to provide vocational training opportunities for certain veterans receiving pension; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Benefits Improvement Act of 1984.
38 USC 101 note

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Benefits Improvement Act of 1984".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

Ante, p. 37.

(1) by striking out "$64" in subsection (a) and inserting in lieu thereof "$66";

(2) by striking out "$118" in subsection (b) and inserting in lieu thereof "$122";

(3) by striking out "$179" in subsection (c) and inserting in lieu thereof "$185";

(4) by striking out "$258" in subsection (d) and inserting in lieu thereof "$266";

(5) by striking out "$364" in subsection (e) and inserting in lieu thereof "$376";

(6) by striking out "$459" in subsection (f) and inserting in lieu thereof "$474";

(7) by striking out "$579" in subsection (g) and inserting in lieu thereof "$598";

(8) by striking out "$671" in subsection (h) and inserting in lieu thereof "$692";

(9) by striking out "$755" in subsection (i) and inserting in lieu thereof "$779";

(10) by striking out "$1,255" in subsection (j) and inserting in lieu thereof "$1,295";

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(11) by striking out "$1,559" and "$2,185" in subsection (k) and inserting in lieu thereof "$1,609" and "$2,255", respectively;

(12) by striking out "$1,559" in subsection (l) and inserting in lieu thereof "$1,609";

(13) by striking out "$1,719" in subsection (m) and inserting in lieu thereof "$1,774";

(14) by striking out "$1,954" in subsection (n) and inserting in lieu thereof "$2,017";

(15) by striking out "$2,185" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,255";

(16) by striking out "$938" and "$1,397" in subsection (r) and inserting in lieu thereof "$968" and "$1,442", respectively;

(17) by striking out "$1,404" in subsection (s) and inserting in lieu thereof "$1,449"; and

(18) by striking out "$271" in subsection (t) and inserting in lieu thereof "$280".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC 314 note.

38 USC note prec. 101.

38 USC 301 *et seq.*

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

Ante, p. 38.

(1) by striking out "$77" in clause (A) and inserting in lieu thereof "$79";

(2) by striking out "$128" and "$41" in clause (B) and inserting in lieu thereof "$132" and "$42", respectively;

(3) by striking out "$52" and "$41" in clause (C) and inserting in lieu thereof "$54" and "$42", respectively;

(4) by striking out "$62" in clause (D) and inserting in lieu thereof "$64";

(5) by striking out "$139" in clause (E) and inserting in lieu thereof "$143"; and

(6) by striking out "$116" in clause (F) and inserting in lieu thereof "$120".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

Ante, p. 38.

SEC. 103. Section 362 is amended by striking out "$338" and inserting in lieu thereof "$349".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

Ante, p. 38.

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

98 STAT. 2737

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$476	W-4	$682
E-2	490	O-1	602
E-3	502	O-2	621
E-4	535	O-3	665
E-5	549	O-4	703
E-6	561	O-5	775
E-7	589	O-6	873
E-8	621	O-7	944
E-9	[1] 649	O-8	1,035
W-1	602	O-9	1,111
W-2	626	O-10	[2] 1,217
W-3	644		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $700.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,305.".

(b) Subsection (b) of such section is amended by striking out "$53" and inserting in lieu thereof "$55".

(c) Subsection (c) of such section is amended by striking out "$139" and inserting in lieu thereof "$143".

(d) Subsection (d) of such section is amended by striking out "$68" and inserting in lieu thereof "$70".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

Ante, p. 39.

SEC. 105. Section 413 is amended—

(1) by striking out "$233" in clause (1) and inserting in lieu thereof "$240";

(2) by striking out "$334" in clause (2) and inserting in lieu thereof "$345";

(3) by striking out "$432" in clause (3) and inserting in lieu thereof "$446"; and

(4) by striking out "$432" and "$87" in clause (4) and inserting in lieu thereof "$446" and "$90", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

Ante, p. 39.

SEC. 106. Section 414 is amended—

(1) by striking out "$139" in subsection (a) and inserting in lieu thereof "$143";

(2) by striking out "$233" in subsection (b) and inserting in lieu thereof "$240"; and

(3) by striking out "$118" in subsection (c) and inserting in lieu thereof "$122".

EFFECTIVE DATE

SEC. 107. Sections 101 through 106 shall take effect on December 1, 1984.

38 USC 314 note.

98 STAT. 2738

PART B—COMPENSATION PROGRAM AMENDMENTS

TRIAL WORK PERIOD AND VOCATIONAL REHABILITATION PILOT PROJECT

SEC. 111. (a)(1) Subchapter VI of chapter 11 is amended by adding at the end the following new section:

"§ 363. Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings

38 USC 363.

"(a)(1) The disability rating of a qualified veteran who begins to engage in a substantially gainful occupation during the program period may not be reduced on the basis of the veteran having secured and followed a substantially gainful occupation unless the veteran maintains such an occupation for a period of 12 consecutive months.

"(2) For purposes of this section:

"(A) The term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

"(B) The term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.

"(b) During the program period, the Administrator shall make counseling services described in section 1504(a)(2) of this title and placement and postplacement services described in section 1504(a)(5) of this title available to each qualified veteran (whether or not the veteran is participating in a vocational rehabilitation program under chapter 31 of this title).

38 USC 1500 *et seq.*

"(c)(1)(A) Except as provided in paragraph (4) of this subsection, in the case of each award during the program period of a rating of total disability described in subsection (a)(2)(A) of this section to a veteran, the Administrator shall provide to the veteran, at the time that notice of the award is provided to the veteran, a statement providing—

"(i) notice of the provisions of this section;

"(ii) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title; and

"(iii) a summary description of the scope of services and assistance available under that chapter.

"(B) After providing the notice required under subparagraph (A) of this paragraph to a veteran, the Administrator shall arrange as promptly as is practical for the veteran to be provided an evaluation in order to make a determination as to whether the achievement of a vocational goal by the veteran is reasonably feasible. Such evaluation shall include a personal interview of the veteran by a Veterans' Administration employee who is trained in vocational counseling. The Administrator shall provide the veteran with reasonable notice of the schedule for the evaluation.

"(2) If the veteran fails, for reasons other than those beyond the veteran's control, to participate in an evaluation under paragraph (1)(B) of this subsection in the manner required by the Administrator in order to make the determination described in that paragraph, the Administrator shall reduce the veteran's disability rating to the rating that would be applicable to the veteran but for the determination of the veteran's inability to secure or follow a substantially gainful occupation. Any such reduction shall remain in effect for the duration of such failure.

98 STAT. 2739

"(3)(A) If, after completion of an evaluation under paragraph (1)(B) of this subsection, the Administrator determines that achievement of a vocational goal by the veteran is reasonably feasible, the Administrator shall formulate an individualized written plan of vocational rehabilitation for the veteran under chapter 31 of this title.

38 USC 1500 et seq.

"(B) If the Administrator determines that the veteran has failed to pursue (or to continue to pursue) the vocational rehabilitation program described in such plan, the Administrator shall provide the veteran with notice that, if the veteran fails, for reasons other than those beyond the veteran's control, to initiate or resume pursuit of such program within 60 days after the Administrator provided such notice (or such longer period as the Administrator determines is the shortest period within which it is reasonably feasible for the veteran to initiate or resume pursuit), the Administrator will provide for the results of the evaluation to be considered in the next scheduled review of the veteran's eligibility for a rating of total disability based on inability to secure or follow a substantially gainful occupation. Unless the veteran initiates or resumes such pursuit within such 60 days (or such longer period, if applicable), the Administrator shall provide for such results to be so considered.

"(4) This subsection does not apply with respect to a veteran as to whom the Administrator determines that an evaluation of vocational rehabilitation potential or achievement of a vocational goal is not reasonably feasible.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"363. Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings.".

38 USC 363 note.

(b)(1) Not later than April 1, 1985, the Administrator of Veterans' Affairs shall provide to each veteran described in paragraph (2) a statement providing—

(A) information explaining the provisions of section 363(b) of title 38, United States Code (as added by subsection (a)(1));

(B) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of such title; and

(C) a summary description of the scope of services and assistance available under that chapter.

(2)(A) A veteran to whom a statement is to be provided under paragraph (1) is a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who, as of January 31, 1985, has been awarded a rating of total disability by reason of a determination of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

(B) Notice under paragraph (1) need not be provided to a veteran who has a rating of total disability described in subparagraph (A) which is protected by the first sentence of section 110 of title 38, United States Code.

Report.
38 USC 363 note.

98 STAT. 2740

(c) Not later than April 15, 1988, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the implementation of section 363 of title 38, United States Code (as added by subsection (a)(1)), during the three-year period beginning on February 1, 1985. The report shall include—

(1) information regarding—

(A) the number of veterans with a disability rating of total based on inability to secure or follow a substantially gainful occupation who during such period followed a substantially gainful occupation for a period of twelve consecutive months and the work experience of those veterans and their disability ratings after completing such twelve-month period and (if known) the number of veterans with such a rating who during the period covered by the report followed a substantially gainful occupation but did not maintain employment in it for a period of twelve consecutive months,

(B) the number of veterans who during the period covered by the report were provided with evaluations under subsection (b) of such section,

(C) the number of veterans provided such evaluations for whom a plan of vocational rehabilitation was formulated pursuant to such subsection,

(D) the number of veterans for whom such a plan was formulated who elected, and who did not elect, to pursue a vocational rehabilitation program,

(E) the extent to which those veterans who elected to pursue such a program completed the program, and

(F) the subsequent work experience and disability ratings of the veterans who were provided such evaluations;

(2) a tabulation of the reasons given by such veterans for not electing to pursue such a program by those who did not elect to pursue such a program; and

(3) the Administrator's assessment of the value (including the cost-effectiveness) and effect of such implementation and any recommendations of the Administrator for administrative and legislative action based on such results and assessment.

TECHNICAL AMENDMENT

Sec. 112. (a) Section 335 is amended by striking out "50 per centum" and inserting in lieu thereof "30 percent". 38 USC 335.

(b) The amendment made by subsection (a) shall take effect as of October 1, 1978. Effective date. 38 USC 335 note.

TITLE II—VETERANS' REHABILITATION, EDUCATION, AND EMPLOYMENT PROGRAMS

Part A—Rate Increases

RATES OF REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Sec. 201. The table contained in section 1508(b) is amended to read as follows: 38 USC 1508.

98 STAT. 2741

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$310	$384	$452	$33
Three-quarter time.	233	288	339	25
Half-time	155	193	227	17
Farm cooperative, apprentice, or other on-job training:				
Full-time	271	327	377	24
Extended evaluation:				
Full-time	310	384	452	33
Independent living training:				
Full-time	310	384	452	33
Three-quarter time.	233	288	339	25
Half-time	155	193	227	17".

RATES OF GI BILL EDUCATIONAL ASSISTANCE FOR VIETNAM-ERA VETERANS

SEC. 202. Chapter 34 is amended as follows:

38 USC 1682. (1) The table contained in paragraph (1) of section 1682(a) is amended to read as follows:

“Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$376	$448	$510	$32
Three-quarter time.	283	336	383	24
Half-time	188	224	255	17
Cooperative	304	355	404	23”.

(2) Section 1682(b) is amended by striking out “$342” and inserting in lieu thereof “$376”.

98 STAT. 2742 (3) The table contained in section 1682(c) is amended to read as follows:

“Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$304	$355	$404	$23
Three-quarter time	228	266	303	18
Half-time	152	178	202	12”.

38 USC 1692. (4) Section 1692(b) is amended by striking out “$76” and “$911” and inserting in lieu thereof “$84” and “$1,008”, respectively.

RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

SEC. 203. Chapter 35 is amended—

38 USC 1732. (1) by striking out “$276” in section 1732(b) and inserting in lieu thereof “$304”; and

38 USC 1742. (2) by striking out “$342”, “$108”, “$108”, and “$11.44” in section 1742(a) and inserting in lieu thereof “$376”, “$119”, “$119”, and “$12.58”, respectively.

RATES OF TRAINING ALLOWANCES FOR APPRENTICESHIP OR OTHER ON-JOB TRAINING

SEC. 204. Chapter 36 is amended as follows:

38 USC 1786. (1) Section 1786(a)(2) is amended by striking out “$342” and inserting in lieu thereof “$376”.

38 USC 1787. (2) The table contained in section 1787(b)(1) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$274	$307	$336	$14
Second 6 months	205	239	267	14
Third 6 months	136	171	198	14
Fourth and any succeeding 6-month periods.	68	101	131	14".

(3) Section 1798(b)(3) is amended by striking out "$342" and inserting in lieu thereof "$376".

38 USC 1798.

98 STAT. 2743

EFFECTIVE DATE

SEC. 205. The amendments made by this part shall take effect as of October 1, 1984.

38 USC 1508 note.

PART B—VETERANS' EMPLOYMENT PROGRAMS

EXTENSION AND REVISION OF VETERANS READJUSTMENT APPOINTMENT PROGRAM

SEC. 211. (a) Subsection (a) of section 2014 is amended—

38 USC 2014.

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) For the purposes of this section, the term 'agency' means a department, agency, or instrumentality in the executive branch.".

(b) Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "GS-7" in clause (A) and inserting in lieu thereof "GS-9";

(B) by striking out "and" at the end of clause (B);

(C) by striking out the period at the end of clause (C) and inserting in lieu thereof a semicolon and "and"; and

(D) by adding at the end the following new clause:

"(D) a veteran given an appointment under the authority of this subsection whose employment under the appointment is terminated within one year after the date of such appointment shall have the same right to appeal that termination to the Merit Systems Protection Board as a career or career-conditional employee has during the first year of employment."; and

(2) in paragraph (2), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

(c) Subsection (c) of such section is amended—

(1) by striking out "department, agency, and instrumentality in the executive branch" and inserting in lieu thereof "agency"; and

(2) by striking out "such department, agency, or instrumentality" and inserting in lieu thereof "such agency".

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) The Office of Personnel Management shall be responsible for the review and evaluation of the implementation of this section and the activities of each agency to carry out the purpose and provisions of this section. The Office shall periodically obtain (on at least an annual basis) information on the implementation of this section by each agency and on the activities of each agency to carry out the purpose and provisions of this section. The information obtained shall include specification of the use and extent of appointments made by each agency under subsection (b) of this section and the results of the plans required under subsection (c) of this section.

Report.

"(e)(1) The Office of Personnel Management shall submit to the Congress annually a report on activities carried out under this section. Each such report shall include the following information with respect to each agency:

"(A) The number of appointments made under subsection (b) of this section since the last such report and the grade levels in which such appointments were made.

98 STAT. 2744

"(B) The number of individuals receiving appointments under such subsection whose appointments were converted to career or career-conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into each such category.

"(C) The number of such terminations since the last such report that were initiated by the agency involved and the number of such terminations since the last such report that were initiated by the individual involved.

"(D) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

"(2) Information shown for an agency under clauses (A) through (D) of paragraph (1) of this subsection—

"(A) shall be shown for all veterans; and

"(B) shall be shown separately (i) for veterans of the Vietnam era who are entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty, and (ii) for other veterans.".

EXTENSION OF EMERGENCY VETERANS' JOB TRAINING ACT PROGRAM

29 USC 1721 note.

SEC. 212. (a) Section 5(b)(3)(A) of the Emergency Veterans' Job Training Act of 1983 (Public Law 98-77; 97 Stat. 445) is amended by striking out "60 days" and inserting in lieu thereof "90 days".

29 USC 1721 note.

(b) Section 16 of such Act is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1987".

29 USC 1721 note.

(c) The text of section 17 of such Act is amended to read as follows:

"SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after February 28, 1985; or

"(2) for any such program which begins after September 1, 1985.".

TITLE III—OTHER BENEFIT RATE INCREASES AND PROGRAM IMPROVEMENTS

VOCATIONAL TRAINING AND HEALTH-CARE ELIGIBILITY PROTECTION FOR PENSION RECIPIENTS

SEC. 301. (a)(1) Subchapter II of chapter 15 is amended by adding at the end the following new sections:

38 USC 524.

"§ 524. Temporary program of vocational training for certain new pension recipients

"(a)(1) Subject to paragraph (3) of this subsection, in the case of a veteran under the age of 50 who is awarded pension during the program period, the Administrator shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after evaluation of the veteran's potential for rehabilitation, and any such evaluation shall include a personal interview of the veteran by a Veterans' Administration employee who is trained in vocational counseling. If the veteran fails, for reasons other than those beyond the veteran's control, to participate in the evaluation in the manner required by the Administrator in order to make such determination, the Administrator shall suspend the veteran's pension for the duration of such failure.

98 STAT. 2745

"(2) Subject to paragraph (3) of this subsection, if a veteran who is 50 years of age or older and who is awarded pension during the program period applies for vocational training under this section and the Administrator makes a preliminary finding on the basis of information in the application that, with the assistance of a vocational training program under subsection (d) of this section, the veteran has a good potential for achieving employment, the Administrator shall provide the veteran with an evaluation in order to determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such evaluation shall include a personal interview by a Veterans' Administration employee trained in vocational counseling.

"(3) Not more than 2,500 veterans may be given evaluations under this subsection during any 12-month period beginning on February 1 of a year.

"(4) For the purposes of this section, the term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.

"(b)(1) If the Administrator, based upon an evaluation under subsection (a) of this section, determines that the achievement of a vocational goal by a veteran is reasonably feasible, the veteran shall be offered and may elect to pursue a vocational training program under this subsection. If the veteran elects to pursue such a program, the program shall be designed in consultation with the veteran in order to meet the veteran's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation of the kind described in section 1507 of this title.

"(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of vocationally oriented services and assistance of the kind provided under chapter 31 of this title and such other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

38 USC 1500 *et seq.*

"(B) A vocational training program under this subsection—

"(i) may not exceed 24 months unless, based on a determination by the Administrator that an extension is necessary in order for the veteran to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the veteran, the Administrator grants an extension for a period not to exceed 24 months;

"(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment of the kind provided under chapter 39 of this title; and

38 USC 1901 *et seq.*

"(iii) may include a program of education at an institution of higher learning (as defined in sections 1652(b) and 1652(f), respectively, of this title) only in a case in which the Administrator determines that the program involved is predominantly vocational in content.

"(3) When a veteran completes a vocational training program under this subsection, the Administrator may provide the veteran with counseling of the kind described in section 1504(a)(2) of this title, placement and postplacement services of the kind described in section 1504(a)(5) of this title, and training of the kind described in section 1504(a)(6) of this title during a period not to exceed 18 months beginning on the date of such completion.

98 STAT. 2746

"(4) A veteran may not begin pursuit of a vocational training program under this subsection after the later of (A) January 31, 1989, or (B) the end of a reasonable period of time, as determined by the Administrator, following either the evaluation of the veteran under subsection (a)(1) of this section or the award of pension to the veteran as described in subsection (a)(2) of this section. Any determination by the Administrator of such a reasonable period of time shall be made pursuant to regulations which the Administrator shall prescribe.

"(c) Notwithstanding subsection (c) of section 525 of this title, a veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the provisions of subsection (a) of section 525 of this title beginning at such time as the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b) of that section).

Infra.

"(d) Payments by the Administrator for education, training, and other services and assistance under subsection (b) of this section (other than the services of Veterans' Administration employees) shall be made from the Veterans' Administration appropriations account from which payments for pension are made.

38 USC 525.

"§ 525. Temporary protection of health-care eligibility

"(a) In the case of a veteran whose entitlement to pension under section 521 of this title is terminated during the program period by reason of income from work or training, the veteran shall retain for a period of three years beginning on the date of such termination all eligibility for care and services under such chapter that the veteran would have had if the veteran's entitlement to pension had not been terminated. Care and services for which such a veteran retains eligibility include, when applicable, drugs and medicines under section 612(h) of this title and special priority with respect to such care and services under section 612(i)(5) of this title.

"(b) For the purposes of this section:

"(1) The term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

"(2) The term 'program period' means the period beginning on February 1, 1985, and ending on January 31, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new items:

"524. Temporary vocational training for certain new pension recipients.
"525. Temporary protection of health-care eligibility.".

Report.
38 USC 524 note.

(b) Not later than April 15, 1988, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the implementation of sections 524 and 525 of title 38, United States Code (as added by subsection (a)(1)), during the period beginning on February 1, 1985, and ending on January 31, 1988. The report shall include—

98 STAT. 2747

(1) information regarding—

(A) the number of veterans who during the period covered by the report were provided with evaluations under paragraphs (1) and (2) of subsection (a) of such section 524,

(B) the number of such veterans for whom a vocational goal was determined to be feasible,

(C) the number of such veterans who elected, and who did not elect, to pursue a vocational training program under subsection (b) of that section,

(D) the extent to which those veterans who elected to pursue such a program completed the program,

(E) the subsequent work and pension-eligibility experience of the veterans who were provided with such evaluations, shown according to their participation in and completion of vocational training programs, and

(F) the number of veterans who received the benefit of such section 525;

Ante, p. 2746.

(2) a tabulation of the reasons given by such veterans for not electing to pursue such a program by those for whom a vocational goal was determined to be reasonably feasible but who did not elect to pursue such program; and

(3) the Administrator's assessment of the value (including the cost-effectiveness) and effect of such implementation and any recommendations of the Administrator for administrative and legislative action based on such results and assessment.

REPORT ON MEDICAL EXAMINATIONS OF CERTAIN PENSION RECIPIENTS

38 USC 521 note.

SEC. 302. (a) Not later than twenty-eight months after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a statistical tabulation of the results of the medical examinations conducted under subsection (b)(1)(A) and the determinations made under subsection (b)(1)(B).

(b)(1) The Administrator—

(A) shall provide for the selection of a sampling of the class of pension recipients described in paragraph (3) to undergo, and each recipient in such sampling shall undergo, a medical examination of the kind provided a veteran under 65 years of age who is applying for pension under section 521 of title 38, United States Code; and

(B) shall determine what, if any, percentage rating would be applicable to the recipient under the schedule of ratings adopted pursuant to section 355 of such title.

(2) The sampling of pension recipients selected under paragraph (1)(A) shall be selected in a manner that is statistically valid for the purpose of estimating the disability ratings of all recipients in the class described in paragraph (3).

(3) The class of pension recipients referred to in paragraphs (1) and (2) are those individuals who, during the two-year period beginning on the date of the enactment of this Act, are awarded pension under section 521 of title 38, United States Code, by reason of being considered, under section 502(a) of such title, to be permanently and totally disabled by reason of being 65 years of age or older or becoming unemployable after age 65.

98 STAT. 2748

PARTICIPATION IN THERAPEUTIC OR REHABILITATIVE ACTIVITIES

38 USC 618.

SEC. 303. Section 618 is amended by adding at the end the following new subsection:

"(f) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of remuneration as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.".

SPECIALLY ADAPTED HOUSING ASSISTANCE

38 USC 802.

SEC. 304. (a) Section 802 is amended—

(1) in subsection (a), by striking out "$32,500" and inserting in lieu thereof "$35,500"; and

(2) in subsection (b), by striking out "$5,000" and inserting in lieu thereof "$6,000".

Effective date.
38 USC 802 note.

(b) The amendments made by subsection (a) shall take effect on January 1, 1985.

AUTOMOBILE AND ADAPTIVE EQUIPMENT ASSISTANCE

38 USC 1902. SEC 305. (a) Section 1902(a) is amended by striking out "$4,400" and inserting in lieu thereof "$5,000".

38 USC 1903. (b) Subsection (c) of section 1903 is amended to read as follows:

"(c)(1) An eligible person shall not be entitled to adaptive equipment under this chapter for more than two automobiles or other conveyances at any one time or (except as provided in paragraph (2) of this subsection) during any four-year period.

"(2) In a case in which the four-year limitation in paragraph (1) of this subsection precludes an eligible person from being entitled to adaptive equipment under this chapter, if the Administrator determines that, due to circumstances beyond the control of such person, one of the automobiles or other conveyances for which adaptive equipment was provided to such person during the applicable four-year period is no longer available for the use of such person, the Administrator may provide adaptive equipment to such person for an additional automobile or other conveyance during such period. Provision of adaptive equipment under this paragraph is within the discretion of the Administrator. Any action to provide adaptive equipment under this paragraph shall be made pursuant to regulations which the Administrator shall prescribe.".

Effective date. 38 USC 1903 note. (c)(1) The amendments made by this section shall take effect on January 1, 1985.

38 USC 1901 *et seq.* (2) In the case of a person who during the four-year period ending on December 31, 1984, was provided adaptive equipment under chapter 39 of title 38, United States Code, for an automobile or other conveyance and who has such automobile or other conveyance available for use on the date of the enactment of this Act, the first four-year period applicable to such person under subsection (c) of section 1903 of such title (as amended by subsection (a)) shall begin on the most recent date before January 1, 1985, on which such person was provided such equipment.

98 STAT. 2749

TITLE IV—MISCELLANEOUS PROVISIONS

REPEAL OF ANNUAL REPORTING REQUIREMENT

38 USC 1796. SEC 401. Section 1796 is amended by striking out subsection (d).

SUSPENSION OF COMPENSATION AND PENSION PAYMENTS TO CERTAIN INSTITUTIONALIZED VETERANS; WAIVER

97 Stat. 1010. 38 USC 3203. SEC. 402. (a) Section 3203(b)(1) is amended—

(1) by designating the first and second sentences as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A), as so designated—

(A) by striking out the comma after "treatment" in the first sentence and inserting in lieu thereof "or";

(B) by striking out "by reason of mental illness"; and

(C) by inserting "(excluding the value of the veteran's home unless there is no reasonable likelihood that the veteran will again reside in such home)," after "the veteran's estate"; and

(3) by adding at the end the following new subparagraph:

Waiver. "(C) The Administrator may waive the discontinuance under this paragraph of payments to a veteran with respect to not more than 60 days of care of the veteran during any calendar year if the Administrator determines that the waiver is necessary in order to avoid a hardship for the veteran. Any such waiver shall be made pursuant to regulations which the Administrator shall prescribe.".

(b) The Administrator shall prescribe regulations under subparagraph (C) of section 3203(b)(1) of title 38, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

Regulations.
38 USC 3203 note.

Approved October 24, 1984.

LEGISLATIVE HISTORY—H.R. 5688 (S. 2736):

HOUSE REPORT No. 98-828 (Comm. on Veterans' Affairs).
SENATE REPORT No. 98-604 accompanying S. 2736 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
    June 18, considered and passed House.
    Oct. 2, S. 2736 considered and passed Senate; H.R. 5688, amended, passed in lieu.
    Oct. 5, House concurred in Senate amendments with an amendment.
    Oct. 9, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 43 (1984):
    Oct. 24, Presidential statement.

RECAPITULATION OF MISCELLANEOUS PRIVATE ACTS, 98TH CONGRESS, 2D SESSION

Number of Private Law	Payee	Amount
	FISCAL YEAR 1984	
98-10	Apolonio P. Tumamao	$1,137.50
	Milton M. Ikawa	2,032.50
	Malcolm B. Shin	2,032.50
	Mamerto A. Garma	1,938.00
	John B. MacKinnon	2,028.75
	Kenneth A. Grigsby	2,032.50
98-12	Henry Brown	Indefinite
	Bryon R. Buchanan	Indefinite
	Arthur Canady	Indefinite
	Robert E. Carter	Indefinite
	Edwin L. Clickner	Indefinite
	William F. Cummings	Indefinite
	Edward F. Fuller	Indefinite
	Wilbur Geathers	Indefinite
	Donell E. Gourdine	Indefinite
	David D. Lorick	Indefinite
	Martin N. Olmeda	Indefinite
	Lawrence E. Riley	Indefinite
	Dean W. Sabo	Indefinite
	Leon T. Scarborough	Indefinite
	George B. Stone	Indefinite
	Paul K. Vincent	Indefinite
98-14	Harvey E. Ward	15,475.59
98-16	Kenneth L. Perrin	4,467.94
98-17	Theda June Davis	35,499.25
98-18	Benjamin B. Doeh	102,435.00
	Total, fiscal year 1984	169,079.53
	FISCAL YEAR 1985	
98-54	Joseph Karel Hasek	Indefinite
	Total, fiscal year 1985	
	Total, 2d session, 98th Congress	169,079.53

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II. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

(For permanent trust funds, see table III)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1985. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for *indefinite* appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

SENATE

Compensation of Members:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of the Vice President and Senators as well as for the payment of agency contributions for life and health insurance and retirement benefits. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of the Vice President and Senators and the related agency contributions were paid from appropriations made annually in the regular Legislative Branch Appropriations Act $8,553,000

HOUSE OF REPRESENTATIVES

Compensation of Members and related administrative expenses:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of Members of Congress and for administrative expenses related thereto as authorized by law and at such level recommended by the President for Federal employees. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of Members of Congress were paid from appropriations made annually in the regular Legislative Branch Appropriations Act 36,225,000

Congressional use of foreign currency:

The International Security Assistance Act of 1978, Public Law 95-384 (92 Stat. 742), effective September 26, 1978, provided that local currencies owned by the United States be made available to Members and employees of Congress while traveling in a foreign country. Whenever local currencies are not available, the Secretary of the Treasury is authorized to purchase such local currencies as may be necessary. In addition, this act authorized the permanent and indefinite appropriation, "Congressional use of foreign currency." Prior to this act, authority was contained in section 502(b) of the Mutual Security Act of 1954 *(2 U.S.C. 1954(b))* 1,800,000

LIBRARY OF CONGRESS

Payments to copyright owners:

Receipts from cable television stations and juke-box licenses are disbursed to the copyright owners through this appropriation after deduction of administrative expenses of the Copyright Royalty Tribunal. Disbursements are made in accordance with the schedule established in Public Law 94-553 52,000,000

Oliver Wendell Holmes Devise Fund:

This fund created by the act entitled "An act to establish a Permanent Committee for the Oliver Wendell Holmes Devise," approved August 5, 1955, is to be used for the preparation of a history of the Supreme Court, finance lectures, and prepare a memorial volume containing the writings of Oliver Wendell Holmes *(69 Stat. 533)* 8,000

Total, Legislative *$98,586,000*

EXECUTIVE

Department of Agriculture

COMMODITY CREDIT CORPORATION

Price support and related programs: Reimbursement for net realized losses: To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 *(15 U.S.C. 713a–11, 713a–12)*	[1] *($8,698,269,000)*
National Wool Act: The National Wool Act of 1954 (title VII of Public Law 690, approved August 28, 1954) as amended by the Agricultural Act of 1970 and the Food and Agriculture Act of 1977 declares wool to be an essential and strategic commodity, and as a measure of national security encourages the annual domestic production of approximately 300 million pounds of shorn wool. In order to encourage the required annual production of wool and mohair, the Secretary is authorized to make sufficient incentive payments which, when added to the national average price received by producers, will give them a national average return for the commodity equal to the support (incentive) price level thereof. Payments may not at any time exceed 70 percent of the accumulated totals of the gross receipts from specific duties collected on and after January 1, 1953, on wool and wool manufacturers under schedule 11 of the Tariff Act of 1930, as amended (Public Law 690 approved August 28, 1954, *as amended*)	106,146,000

RURAL ELECTRIFICATION ADMINISTRATION

Rural Communications Development Fund: The Rural Communications Development Fund was established pursuant to Secretary's Memorandum No. 1988 approved May 22, 1979. This memorandum transferred certain financing authorities under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) from the Farmers Home Administration to the Rural Electrification Administration for the purpose of financing and administering community antenna television services or facilities in rural areas. The fund is used to make or guarantee loans for community antenna television services or facilities	1,101,000

AGRICULTURAL MARKETING SERVICE

Perishable Agricultural Commodities Act Fund: License fees are deposited in this special fund and are used to meet costs of administering the Perishable Agricultural Commodities, and the Produce Agency Acts (7 U.S.C. 491–497, 499a–499s). The law currently provides that annual license fees may be set at a maximum of $150	3,272,000
Funds for strengthening markets, income, and supply: Under section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c), 30 percent of customs receipts collected during each calendar year are automatically appropriated for expanding outlets for nonbasic commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce to encourage the distribution of such products. Most of the funds are transferred to the Food and Nutrition Service and are dedicated to commodity distribution activities under section 6 of the national school lunch and other authorities specified in the child nutrition appropriations	483,614,000

FOOD AND NUTRITION SERVICE

Child nutrition programs: Authorized by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Primary objective of programs is to make the best possible nutrition available to every child and the elderly, regardless of economics of the child's family or the local district, *(42 U.S.C. 1751–1761, and 1766; 1773–1785, and 1787)*	2,301,833,000

FOREST SERVICE

Timber salvage sales: Appropriations of funds to begin salvage of insect infested, dead, damaged, or down timber, and to remove associated trees for stand improvement in accordance with Public Law 95–26	16,055,000

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[1] Excluded from totals for this table. Included in H.R. 5743, Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985, as a "direct" appropriation of $8,350,000,000 (see pp. 83 and 1866, this volume).

Tongass Timber Supply Fund:

To maintain the timber supply from the Tongass National Forest at a specified level. Public Law 96–487 .... $49,973,000

Brush disposal:

Amounts received from purchasers of national forest timber to cover the estimated cost to the United States of disposing of the brush and other debris resulting from cutting operations are covered into the Treasury as a special fund, for expenses of this work. Amounts paid in excess of the cost are refunded to the purchaser or transferred to miscellaneous receipts *(16 U.S.C. 490)* 41,822,000

Payments to States from the National Forest Fund:

The act of June 9, 1930, appropriates 25 percent of the net revenue during any fiscal year from each national forest, to be paid at the end of such year, to the State in which the forest is situated, for the benefit of the public schools and public roads of such county or counties *(16 U.S.C. 500)* 292,100,000

Licensee programs:

Fees for the use of the character "Smokey Bear" and "Woodsey Owl" by private enterprises are collected under regulations promulgated by the Secretary, and are available for furthering the nationwide forest-fire prevention and environmental quality programs *(18 U.S.C. 711; 31 U.S.C. 488b–3–6)* 100,000

Restoration of forest lands and improvements:

Funds received from settlement of claims involving damage to lands or improvements and from forfeiture of deposits and bonds by permittees and timber purchasers are used for the restoration made necessary by the action which led to the settlement or forfeiture *(16 U.S.C. 579c)* 100,000

Timber purchaser roads constructed by Forest Service:

Expenditure of timber receipts for Government constructed permanent roads for purchasers of timber who qualify as small businesses and elect to have the Forest Service construct the roads designated under the timber sale contract where costs exceed $20,000 *(section 14(i)(2), Public Law 94–588)* 33,903,000

Payment to Minnesota (Cook, Lake, and St. Louis Counties) from the National Forest Fund:

Under the act of June 22, 1948, the Secretary of the Treasury, upon certification of the Secretary of Agriculture, pays to the State of Minnesota at the close of each fiscal year an amount equivalent to three-fourths of 1 percent of the apraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties *(16 U.S.C. 577g)* 711,000

Payments to counties, national grasslands:

This account consists of amounts appropriated, from revenues received during each calendar year from the use of submarginal lands held by the Secretary of Agriculture under title III of the act of July 22, 1937, for such lands are situated, on the condition that they are used for school or road purposes, or both, and for refund of excess amounts received for the use of such lands Moneys so appropriated remain available for these purposes until expended *(7 U.S.C. 1012)* 13,189,000

Total, Department of Agriculture *$3,343,919,000*

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, research, and facilities:

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities 38,600,000

Total, Department of Commerce *$38,600,000*

DEPARTMENT OF DEFENSE—MILITARY

FAMILY HOUSING

Homeowners Assistance Fund:

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89–754, *as amended*) 600,000

Total, Department of Defense—Military *$600,000*

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

CORPS OF ENGINEERS—CIVIL

Payments to States: Seventy-five percent of moneys received on account of leases of lands acquired in connection with flood-control projects is appropriated at the end of each fiscal year for payment to the State in which the property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the property is situated *(33 U.S.C. 701c–3)*		$5,900,000
Hydraulic mining in California, Debris Fund: Fees paid by mine operators in the Sacramento and San Joaquin Basins for depositing mine debris in restraining works are used for their maintenance *(33 U.S.C. 683)*		48,000
Maintenance and operation of dams and other improvements of navigable waters: Indefinite appropriation of 50 percent of receipts from certain licenses under the Federal Power Act to be received and appropriated as a special fund in the Treasury for expenditure under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or for other improvements of navigable waters *(31 U.S.C. 725c)*		2,052,000

MILITARY RETIREMENT

Payment to Military Retirement Fund: The 1985 payment to the Military Retirement Fund includes funds for the amortization of the unfunded liability for all retirement benefits earned by military personnel for service prior to 1985. The amortization schedule for the unfunded liability will be determined by a Board of Actuaries		8,900,000,000

WILDLIFE CONSERVATION, MILITARY RESERVATIONS

Wildlife conservation, Army: Proceeds from the sale of fish and game permits on Army installations are used to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation on military reservations		1,183,000
Wildlife conservation, Navy: Proceeds from the sale of fish and game permits on naval installations are used to carry out a program of fish and wildlife conservation, management, and rehabilitation in cooperation with appropriate State agencies and the Fish and Wildlife Service, Department of the Interior *(74 Stat. 1052)*		236,000
Wildlife conservation, Air Force: Proceeds from the sale of game permits are used to carry out a program of fish and game conservation and rehabilitation in connection with the Fish and Wildlife Service *(63 Stat. 759)*		260,000
Total, Department of Defense—Civil functions	*$8,909,679,000*	

DEPARTMENT OF EDUCATION

OFFICE OF VOCATIONAL AND ADULT EDUCATION

Vocational and adult education: This program provides funds for expansion and improvement of vocational education programs and for providing for greater access to underserved populations		7,161,000
Total, Department of Education	*$7,161,000*	

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Fossil energy research and development: For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in real property or any facility or for plant or facility acquisition or expansion		15,000,000
Payments to States under Federal Power Act: The States are paid 37.5 percent of the receipts from licenses for occupancy and use of national forests and public lands within their boundaries issued by the Federal Energy Regulatory Commission *(16 U.S.C. 810)*		570,000

POWER MARKETING ADMINISTRATION

Bonneville Power Administration Fund:

The Bonneville Power Administration constructs, operates, and maintains transmission and related facilities and markets electric power produced at 30 Federal hydroelectric generating plants and obtained by purchase and exchange from two thermal plants $298,730,000

Total, Department of Energy *$314,300,000*

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY RESOURCES ACTIVITIES

Expenses, disposal of surplus real and related personal property:

Fees and costs of advertising and surveying are paid out of the receipts from the disposal of surplus real and related property, subject to a limitation of 12 percent of the proceeds of all dispositions with each fiscal year *(40 U.S.C. 485(b))* 7,600,000

Total, General Services Administration *$7,600,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

Payments to health care trust funds:

Payments are made (1) to the Supplementary Medical Insurance Trust Fund; (2) to the Federal Hospital Insurance Trust Fund as reimbursement for benefits based on noncontributory military service credits of veterans of World War II and certain veterans of the post-World War II period; (3) for individuals aged 65 and over who meet certain transitional insured status requirements; and (4) for civil service employees and annuitants who had worked before 1983 and who were employed during January 1983 455,000,000

SOCIAL SECURITY ADMINISTRATION

Payments to Social Security trust funds:

This Federal fund appropriation finances certain benefits and related administrative costs not financed by Social Security taxes 3,198,000,000

Payments to States from receipts for child support:

This fund makes payments to States for their share of amounts collected on their behalf by the Internal Revenue Service under the provisions of the Child Support Enforcement Program, title IV-D of the Social Security Act 450,000

Total, Department of Health and Human Services *$3,653,450,000*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Subsidized housing programs:

The subsidized housing programs schedule reflects both budget authority to enter into additional contracts for subsidized housing and an appropriation for payment required to liquidate such contracts under seven separate programs *(42 U.S.C. 1437c; 1441; 12 U.S.C. 1701, 1715, and 1749; and 88 Stat. 633)* 22,300,000

Manufactured home inspection and monitoring:

A program to establish and enforce appropriate construction standards for the construction, design, and performance of manufactured homes to assure their quality, durability, and safety 5,952,000

Interstate land sales:

The Interstate Land Sales Full Disclosure Act provides protection to the public with respect to purchases or leases of subdivision lots. Statements of record must be filed with the Secretary before subdivisions with 100 or more lots may be sold in interstate commerce, except when the subdivision is eligible for exemption 1,200,000

Federal Housing Administration Fund:

The Federal Housing Administration Fund, created by the National Housing Act of 1934, is a noncorporate business-type agency, which was brought under the Government Corporation Control Act by the Housing Act of 1948. FHA program objectives are achieved through the insurance of loans for financing the production, purchase, repair, and improvement of residential properties and these programs are under four separate insurance funds established by statute. Income from fees, premiums, and investments are credited to the funds and operating expenses including expenses and losses connected with foreclosed property and defaulted notes and mortgages are charged to the funds *(12 U.S.C. 1701)* 46,628,000

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Special Assistance Functions Fund:		
The Association was authorized, pursuant to section 305 of the National Housing Act, to make purchase commitments and to purchase FHA-insured and VA-guaranteed mortgage loans. This legislation was repealed in November 1983. The Association will now only honor existing commitments. The Department proposes to request forgiveness of Treasury borrowing in 1985. The assets and liabilities of the revolving fund will be transferred in 1985 to the Management and Liquidating Fund for liquidation		$100,000
Emergency mortgage purchase assistance:		
The Emergency Home Purchase Assistance Act of 1974 added section 313 to the National Housing Act, authorizing standby authority to purchase mortgages. This authorization was repealed in November 1983. The Department proposes to request forgiveness of Treasury borrowing in 1985. The fund will be liquidated in 1985 by the transfer of all assets and liabilities to the Management and Liquidating Funds account		177,267,000
Total, Department of Housing and Urban Development	*$253,447,000*	

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Special acquisition of lands and minerals:	
For the purchase of non-Federal coal deposits and other mineral interests and rights pursuant to Public Law 97–476	1,300,000
Payments to Oklahoma:	
The State of Oklahoma is paid 37½ percent of the Red River oil and gas royalties in lieu of State and local taxes on Kiowa, Comanche, and Apache tribal lands to be used for construction and maintenance of public roads and support of public schools *(65 Stat. 252)*	6,000
Payments to Coos and Douglas Counties, OR, in lieu of taxes on Coos Bay Wagon Road grant lands:	
Receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special funds in the Treasury created by the act of February 26, 1919 (40 Stat. 1179), for payment annually, in lieu of taxes, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bear to the total assessed valuation of all said lands in those counties, pursuant to the various provisions of the act approved May 24, 1939 (53 Stat. 753, 754), said moneys to be used by the treasurer of the county for common schools, roads, highways, bridges, and port district *(40 Stat. 1179; 53 Stat. 753–754)*	580,000
Payments to certain counties in Oregon from the Oregon and California Land Grant Fund (in lieu of current taxes):	
Indefinite appropriation of 50 percent of all moneys deposited in the Treasury to the credit of the Oregon and California land-grant fund for payment to the counties in which the lands revested under the act of June 9, 1916 (39 Stat. 218), are situated to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds *(39 Stat. 218; 50 Stat. 876)*	57,500,000
Payments to States from sales of lands:	
Payments to the several States of 5 percent of the net proceeds of sales of public lands and materials lying within their limits, for the purpose of education or of making public roads and improvements *(31 U.S.C. 711)*	880,000
Payments to States from grazing receipts, et cetera, public lands outside grazing districts:	
Payments are made to the States of 50 percent of the money received as grazing fees from outside grazing district *(43 U.S.C. 315i, 315m)*	985,000
Payments to States from grazing receipts, et cetera, public lands within grazing districts:	
Payments are made to the States of 12½ percent of moneys received as grazing fees from within grazing districts *(43 U.S.C. 315b; 315i)*	1,497,000
Payments to States from grazing receipts, et cetera, public lands within grazing districts, miscellaneous:	
The States are paid specifically determined amounts from grazing fee receipts from miscellaneous lands within grazing districts when payment is not feasible on a percentage basis *(43 U.S.C. 315)*	5,000
Payments to counties, national grasslands:	
Of the revenues received from the use of submarginal lands, 25 percent is paid to the counties in which such land is situated for school and road purposes. These lands were formerly administered by the Department of Agriculture but were transferred to the Bureau of Land Management for administration in connection with the Grazing Program *(7 U.S.C. 1012)*	844,000

Expenses road maintenance:

Public Law 94–579 approved October 21, 1976, permanently appropriated certain moneys to the Secretary of the Interior. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes, and moneys collected are available for necessary road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only *(43 U.S.C. 1701 et seq.)*........ $5,600,000

Payments to Nevada from receipts on land sales:

Public Law 96–586 authorizes and directs the Secretary to sell not more than 700 acres of public lands per calendar year in and around Las Vegas, NV; proceeds of which are to be used to acquire environmentally sensitive lands in the Lake Tahoe Basin of California and Nevada. Annual revenues are distributed to the State of Nevada (5 percent) and the county in which the land is located (10 percent)........ 750,000

MINERALS MANAGEMENT SERVICE

Payments to States from receipts under Mineral Leasing Act:

Alaska is paid 90 percent and other States 50 percent of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act (30 U.S.C. 191), and from leases of potash deposits (30 U.S.C. 285), on both public domain and acquired lands........ 599,115,000

BUREAU OF RECLAMATION

Payment of interest on advances from Treasury, Colorado River Dam Fund, Boulder Canyon project:

Indefinite appropriation for payments into miscellaneous receipts of the Treasury of moneys advanced for the construction of the Boulder Canyon project, with interest, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(b))*........ 1,500,000

Payments to States of Arizona and Nevada, Boulder Canyon project:

Specific appropriation of $300,000 per annum to each of the States of Arizona and Nevada, from revenues from the operations of the Boulder Canyon project, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(c)) (definite)*........ 600,000

Operation, maintenance, and replacement of project works, North Platte project (Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts):

This fund is derived from the revenues arising from leasing or project grazing and farm lands, sale or rental of surplus water, and other miscellaneous revenues which otherwise would accrue to the Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts under subsections I to J of section 4 of the act of December 5, 1924 *(43 Stat. 703)*, and such revenues may be expended, as set forth in contracts with the above districts, for the replacement of the project works operated and maintained by the United States and to supplement funds advanced by the water users to meet annual costs of operation and maintenance of such works *(66 Stat. 755, sec. 4)*........ 30,000

Payments to farmers' irrigation district (North Platte project, Nebraska-Wyoming):

Payments are made to the farmer's irrigation district on behalf of the Northport irrigation district for water carriage *(62 Stat. 273, as amended)*........ 8,000

Payments to local units, Klamath Reclamation Area:

Certain revenues collected from the leasing of Klamath project reserved Federal lands within the boundaries of certain national wildlife refuges will be used for various purposes *(78 Stat. 850)*........ 180,000

Refunds and returns:

Overcollections are refunded and amounts of deposits not applied to the purposes for which the deposits were accepted are returned *(64 Stat. 689)*........ 182,000

GEOLOGICAL SURVEY

Surveys, investigations, and research:

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by law *(43 U.S.C. 31, 1332 and 1340)*........ 9,500,000

U.S. FISH AND WILDLIFE SERVICE

Resource management:

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources........ 250,000

Migratory bird conservation account:	
Proceeds from the sale of Federal conservation and hunting stamps are set aside for carrying out the migratory birds conservation account *(16 U.S.C. 715k-3, 5)*	$16,376,000
National Wildlife Refuge Fund:	
The Refuge Revenue Sharing Act authorizes the expenditure of revenues from the sale of products from the National Wildlife Refuge System. Part of the net proceeds from sales of refuge products, either 25 percent or 0.75 percent of the value of lands acquired in fee in each case of each refuge, is paid to counties in which refuges are located for benefit of public schools and roads. The remainder of the revenue is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act *(16 U.S.C. 715s)*	6,740,000
Federal aid in fish restoration and management:	
States are reimbursed up to 75 percent of the cost of approved fish restoration and management projects, including research into fish culture, formulation of restocking plans, and acquisition and improvement of fish habitat *(16 U.S.C. 777a–k)*	33,100,000
Federal aid in wildlife restoration:	
States are reimbursed up to 75 percent of the cost of approved wildlife restoration projects, included acquisition and development of land and water areas, and for wildlife management research *(16 U.S.C. 669–669i)* and approved hunter safety programs *(Public Law 91–503)*	105,500,000
Proceeds from sales, water resources development projects:	
Receipts derived from water resources development projects conducted on national wildlife refuge lands *(16 U.S.C. 460d)*	100,000

NATIONAL PARK SERVICE

Land acquisition:	
Provides funds to acquire certain lands, or interests in land, for inclusion in the National Park System in order to preserve nationally important natural and historic resources	30,000,000
Educational expenses, children of employees, Yellowstone National Park:	
Revenues received from visitors to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the operation of Yellowstone National Park *(16 U.S.C. 40a)*	530,000
Payment for tax losses on land acquired for Grand Teton National Park:	
Park fees are used to compensate the State of Wyoming for tax losses on lands acquired for Grand Teton National Park *(16 U.S.C. 406d–3)*	35,000
Operation, management, maintenance, and demolition of federally acquired properties, Independence National Historic Park:	
Moneys collected from rental operations of the Irwin Building were used for the operation, management, and maintenance of this building and its subsequent demolition, as authorized in the act approved October 26, 1951 *(65 Stat. 664)*	7,000
Delaware Water Gap, Route 209 operations:	
Fees collected for use of Route 209 within the Delaware Water Gap National Recreation Area by commercial vehicles are used for management, operation, and maintenance of the route within the park *(97 Stat. 329)*	730,000

BUREAU OF INDIAN AFFAIRS

Claims and treaty obligations:	
For fulfilling treaties with the Senecas and Six Nations of New York, Pawnees of Oklahoma, and payments to the Indians of the Sioux reservations *(4 Stat. 442; 7 Stat. 46, 98, 210, 234; 11 Stat. 614, 729; 72 Stat. 644)*	1,000,000
Operation and maintenance, Indian irrigation systems:	
All revenues derived from charges for operation and maintenance of Indian irrigation projects are available for expenditure for operation and maintenance of the projects in accordance with the act of August 7, 1946, Public Law 647 *(60 Stat. 895)*	14,400,000
Power systems, Indian irrigation projects:	
Sums not in excess of the amount of power revenues covered into the Treasury to the credit of each of the power projects shall be available for the purposes authorized by section 3 of the act of August 7, 1946 (Public Law 647) as amended *(60 Stat. 895; 65 Stat. 254)*	24,600,000

TERRITORIAL AND INTERNATIONAL AFFAIRS

Payments to the United States territories fiscal assistance:

Excise taxes collected by the Internal Revenue Service are made available to the territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95–348, 92 Stat. 487 .... $63,000,000

Total, Department of the Interior *$977,430,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Payment to the Foreign Service Retirement and Disability Fund:

The Foreign Service Retirement Amendments of 1976 *(title V, Public Law 94–350)* authorized additional Federal contributions to the Foreign Service Retirement and Disability Fund 221,400,000

OTHER

International Center, Washington, DC:

Property owned by the United States in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street will be sold or leased to foreign governments for use as embassies. Proceeds will finance the costs of site preparation *(82 Stat. 958)* 775,000

Total, Department of State *$222,175,000*

DEPARTMENT OF TRANSPORTATION

COAST GUARD

National Recreational Boating Safety and Facilities Improvement Fund:

This account provides financial assistance for the development and implementation of a coordinated National Recreational Boating Safety Program, as provided for in Public Law 92–75, as amended 45,000,000

Pollution Fund:

This fund was established under section 11(k) of the Federal Water Pollution Control Act, as amended by Public Law 92–500 to insure immediate cleanup of oil or other hazardous polluting substances spilled into the navigable water of the United States, adjoining shorelines or waters of the contiguous zone 7,000,000

MARITIME ADMINISTRATION

Operating differential subsidies (liquidation of contract authority):

The Merchant Marine Act of 1936, as amended, provides that operating subsidies shall be paid to qualified operators of U.S. flag vessels to promote the maintenance of a U.S. merchant marine capability. Subsidies equivalent to the differential between American and foreign operating costs, are paid to operators of U.S. flag vessels performing essential shipping services enabling them to compete on a competitive cost basis with foreign operators 377,750,000

Total, Department of Transportation *$429,750,000*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Presidential Election Campaign Fund:

Public Law 93–443 imposes overall limitations on campaign expenditures and contributions and provides for the designation of a principal campaign committee by each candidate for Federal office. The act further provides for public financing of Presidential nominating conventions and Presidential primary elections 43,000,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Claims, judgments, and relief acts:

Appropriations are made to pay claims and interest for damages not chargeable to appropriations of individual agencies and for the payment of public and private relief acts. Appropriations are made individually for judgments over $100,000, but 31 United States Code 724a authorizes a permanent indefinite appropriation to pay judgments under $100,000 from the general funds of the Treasury 384,400,000

Interest on uninvested funds:

This fund was established to record interest payable from the general fund of the Treasury pursuant to various permanent appropriations in connection with certain trust funds. Under the terms and conditions provided by law creating the trust in each case, interest accruing and payable from the general fund of the Treasury will be appropriated and recorded in this account for transfer to the proper trust fund receipt account *(31 U.S.C. 725s; 2 U.S.C. 158; 20 U.S.C. 54–55, 74a and 101; 24 U.S.C. 46; various treaties; and 69 Stat. 533)* 18,711,000

Interest on uninvested funds—Continued

The following schedule details the interest obligations under this account:

Bequest of Gertrude M. Hubbard, Library of Congress	*$1,000*
Library of Congress trust fund	*600,000*
National Gallery of Art trust fund	*600,000*
Soldiers' Home permanent fund	*16,500,000*
Indian tribal funds	*250,000*
Immigration Bonds Deposit Fund	*760,000*
Total, obligations	*18,711,000*

U.S. CUSTOMS SERVICE

Miscellaneous permanent appropriations:

Customs duties, taxes, and fees collected in Puerto Rico and the Virgin Islands are deposited to this account. After expenses have been provided for, available balances are transferred to the treasurer of Puerto Rico, and the treasury of the municipalities of the Virgin Islands, respectively *(48 U.S.C. 740, 795, 1396, 1406(h))* $78,000,000

BUREAU OF THE MINT

Coinage Profit Fund:

Receipts of this fund consist of gains resulting from coinage of metals into 1-cent and 5-cent pieces and from the coinage of silver bullion. The fund is charged with the wastage incurred in such coinage, recoinage, losses on minor coins, and the cost of distributing such coins *(31 U.S.C. 317(c) and 340, as amended by 79 Stat. 256)* 105,956,000

INTERNAL REVENUE SERVICE

Payment where credit exceeds liability for tax:

Indefinite appropriation for payment to tax filers in instances wherein the earned income credit exceeds the amount of tax liability owed. The Revenue Adjustment Act of 1975 (Public Law 94–164) originally authorized this credit which was made permanent by the Revenue Act of 1978 (Public Law 95–600) 1,044,000,000

Refunding internal revenue collections (interest):

The act of June 19, 1948, appropriated such sums as may be necessary for payment of interest on internal revenue collections *(26 U.S.C. 6611)* 1,479,000,000

Internal revenue collections for Puerto Rico:

Taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States or consumed on the island shall be covered into the treasury of Puerto Rico *(26 U.S.C. 7652)* 400,000,000

U.S. SECRET SERVICE

Contribution for annuity benefits:

Reimbursement to the District of Columbia on a monthly basis for benefit payments made from revenues of the District of Columbia to members of the Executive Protection Service and such members of the U.S. Secret Service as are entitled thereto *(72 Stat. 883)* 11,000,000

INTEREST ON THE PUBLIC DEBT

Payment of interest on public debt:

Indefinite appropriation for payment of interest on public debt *(31 U.S.C. 1305 and 3123)* 165,031,108,000

Total, Department of the Treasury *$168,595,175,000*

INDEPENDENT AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

Public Broadcasting Fund:

The Corporation for Public Broadcasting assists in the development and improvement of public telecommunications services and noncommercial television and radio broadcasting through direct support of national interconnection services, payments to radio and television stations for general operational support, and grants to radio and television stations and other entities throughout the country for the production and acquisition of programs for national, regional, and local use. In addition, the Corporation for Public Broadcasting undertakes research and analysis activities, conducts training, and provides technical assistance to improve systemwide capacity and performance, as authorized by the Public Telecommunications Financing Act of 1978 [1]*($130,000,000)*

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Insurance Development Fund:

The National Insurance Development Fund provides the funding source for two programs authorized by the Urban Property Protection and Reinsurance Act of 1968, as amended: (1) the FAIR (fair access to insurance requirements) plan/Riot Reinsurance Program; and (2) the Federal Crime Insurance Program 17,355,000

National Flood Insurance Fund:

The National Flood Insurance Act of 1968, as amended, authorizes the Federal Government to provide flood insurance on a national basis. Structures in identified flood-prone areas are eligible for limited amounts of coverage at subsidized insurance rates 69,934,000

OFFICE OF PERSONNEL MANAGEMENT

Payment to Civil Service Retirement and Disability Fund:

Section 103 of the Civil Service Retirement Amendments of 1969, approved October 20, 1969, established the basis for requiring Federal contributions to the Civil Service Retirement and Disability Fund 11,986,683,000

NATIONAL CREDIT UNION ADMINISTRATION

Central liquidity facility:

Provides loans to member credit unions for seasonal and emergency needs *(Public Law 95-630)* 9,757,000

RAILROAD RETIREMENT BOARD

Federal subsidy to the Rail Industry Pension Fund:

This account funds temporary direct Federal subsidies to the Railroad Pension Fund, and other payments to the Railroad Social Security Equivalent Fund 2,875,700,000

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund:

The Tennessee Valley Authority is the sole supplier of electric power to an area of 80,000 square miles in seven Tennessee Valley States, as provided in the Tennessee Valley Authority Act of 1933, as amended *(16 U.S.C., ch. 12A)* 357,065,000

Total, Independent agencies	*$15,316,494,000*
Grand total, Federal funds	*202,168,366,000*

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[1] Excluded from totals for this table. Advance appropriation provided in Public Law 97-377 (see p. 342, 1982-83 volume).

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1985 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1984	1985
Legislative:		
Senate	$8,793,000	$8,553,000
House of Representatives	37,755,000	38,025,000
Library of Congress	50,011,000	52,008,000
Total	96,559,000	98,586,000
Executive:		
Department of Agriculture:		
Agriculture Research Service	2,800,000	
Commodity Credit Corporation	159,780,000	[1] 106,146,000
Rural Electrification Administration	1,012,000	1,101,000
Farmers Home Administration	1,225,679,000	
Agricultural Marketing Service	359,219,000	486,886,000
Food and Nutrition Service	2,307,295,000	2,301,833,000
Forest Service	363,300,000	447,953,000
Total	4,419,085,000	3,343,919,000
Department of Commerce: National Oceanic and Atmospheric Administration	33,586,000	38,600,000
Department of Defense—Military: Family housing	600,000	600,000
Department of Defense—Civil:		
Corps of Engineers, Civil	7,700,000	8,000,000
Military retirement		8,900,000,000
Wildlife conservation, military reservations	1,583,000	1,679,000
Total	9,283,000	8,909,679,000
Department of Education: Office of Vocational and Adult Education	7,161,000	7,161,000
Department of Energy:		
Energy programs	570,000	15,570,000
Power Marketing Administration	283,285,000	298,730,000
Total	283,855,000	314,300,000
General Services Administration: Federal property resources activities	7,400,000	7,600,000
Department of Health and Human Services:		
Health Care Financing Administration	154,000,000	455,000,000
Social Security Administration	3,960,450,000	3,198,450,000
Total	4,114,450,000	3,653,450,000
Department of Housing and Urban Development:		
Housing programs	71,480,000	76,080,000
Government National Mortgage Association	118,745,000	177,367,000
Total	190,225,000	253,447,000

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[1] Excludes $8,698,269,000, which was considered in H.R. 5743, Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985, as a "direct" appropriation (see pp. 83 and 1866, this volume.

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1985 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1984	1985
Executive—Continued:		
Department of the Interior:		
Bureau of Land Management	$73,423,000	$69,947,000
Minerals Management Service	714,812,000	599,115,000
Bureau of Reclamation	2,700,000	2,500,000
Geological Survey	8,500,000	9,500,000
U.S. Fish and Wildlife Service	150,916,000	162,066,000
National Park Service	30,995,000	31,302,000
Bureau of Indian Affairs	40,000,000	40,000,000
Territorial and International Affairs	59,800,000	63,000,000
Total	1,081,146,000	977,430,000
Department of State:		
Administration of Foreign Affairs	219,600,000	221,400,000
Other	4,250,000	775,000
Total	223,850,000	222,175,000
Department of Transportation:		
Coast Guard	52,000,000	52,000,000
Maritime Administration	352,500,000	377,750,000
Total	404,500,000	429,750,000
Department of the Treasury:		
Office of the Secretary	40,000,000	43,000,000
Bureau of Government Financial Operations	799,223,000	403,111,000
U.S. Customs Service	76,000,000	78,000,000
Bureau of the Mint	297,203,000	105,956,000
Internal Revenue Service	3,003,000,000	2,923,000,000
Secret Service	11,000,000	11,000,000
Interest on the public debt	149,882,757,000	165,031,108,000
Total	154,109,183,000	168,595,175,000
Independent agencies:		
Corporation for Public Broadcasting	*(130,000,000)*	*(130,000,000)*
Federal Emergency Management Agency	103,984,000	87,289,000
Office of Personnel Management	11,530,317,000	11,986,683,000
National Credit Union Administration	60,859,000	9,757,000
Railroad Retirement Board	2,550,650,000	2,875,700,000
Tennessee Valley Authority	464,367,000	357,065,000
Total	14,710,177,000	15,316,494,000
Grand total	[1] 179,691,060,000	[2] 202,168,366,000

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[1] Excludes $130,000,000 for Corporation for Public Broadcasting shown in President's budget document (H. Doc. 98-138) as "permanent Federal funds" but reflected in this document as an "advance appropriation".

[2] Excludes $130,000,000 for Corporation for Public Broadcasting shown in President's budget document (H. Doc. 98-138) as "permanent Federal funds" but reflected in this document as an "advance appropriation". Also excludes $8,698,269,000 shown in President's budget as "permanent Federal funds" but reflected in this document as a "direct appropriation" of $8,350,000,000 appropriated in H.R. 5743 (see pp. 83 and 1866, this volume).

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III. PERMANENT APPROPRIATIONS—TRUST FUNDS

(For permanent Federal funds, see table II)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1985. These are funds that do not require annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Gift Fund:

This fund represents gifts or bequests of money made to the Library of Congress for the immediate disbursement by the Librarian in the interest of the Library, its collections, or its service for the purpose in each case specified *(2 U.S.C. 160; 31 U.S.C. 725s)* $1,136,000

Income from investment account:

This fund represents income from investments held by the Treasury for the benefit of the Library of Congress and is subject to disbursement by the Librarian for the purposes in each case specified *(2 U.S.C. 157; 31 U.S.C. 725s)* 756,000

Payment of interest on bequest of Gertrude M. Hubbard:

Trust fund of $20,000, the interest on which, at 4 percent per annum, is to be used for the purchase of engravings and etchings to be added to the "Gardiner Greene Hubbard Collection" *(Act of Aug. 20, 1912, 37 Stat. 319, sec. 21)* 2,000

Payment of interest on permanent loan:

This appropriation represents a sum equivalent to interest at the rate of 4 percent per annum, payable semiannually, on a permanent loan to the United States, not exceeding $5,000,000, in accordance with provisions of gifts or bequests—such interest, as income, being subject to disbursement by the Librarian of Congress for the purpose specified *(2 U.S.C. 156–158; Act of Mar. 3, 1925, 43 Stat. 1107)* 144,000

Service fees:

Operation of a photoduplication laboratory and a sound recording laboratory are financed from fees received for services rendered to other Government agencies and the public *(2 U.S.C. 160; 31 U.S.C. 725s)* 5,403,000

OFFICE OF TECHNOLOGY ASSESSMENT

Contributions and donations:

This fund provides for the use of contributions and donations for furtherance of the general purposes of the Technology Assessment Act of 1972, Public Law 92–484 *(2 U.S.C. 475(a)(5))* 3,000

Total, Legislative *$7,444,000*

THE JUDICIARY

Judicial Survivors' Annuity Fund:

This fund is used to pay annuities to eligible widows and dependent children of deceased judges of the United States, to make refunds to former judges who have elected to come under the judicial survivors annuity system but who have left the service, and to pay claims of survivors of member judges for any unpaid amounts credited to the individual accounts of such judges *(28 U.S.C. 376)* 13,291,000

Total, the Judiciary *$13,291,000*

EXECUTIVE

Funds Appropriated to the President

Advances, foreign military sales: The trust fund, which is strictly a cash account, is to enable foreign governments to take advantage of savings which result from procurements through U.S. Government channels. Authorized by sections 21 and 22 of the Arms Export Control Act, the fund is used to facilitate cash sales of defense articles and services *(82 Stat. 1323)*	$13,000,000,000
Technical assistance, U.S. dollars advanced from foreign governments: Funds advanced by foreign countries are used to pay for procurement in the United States of nonmilitary materials or services for programs in those countries in accordance with bilateral agreements *(22 U.S.C. 2315)*	15,000,000
Miscellaneous contributed funds: Funds received by gift, devise, bequest, or from foreign governments for furtherance of the Peace Corps Program *(22 U.S.C. 2509(a)(3)*	500,000
Gifts and contributions, Inter-American Foundation: Miscellaneous contributed funds received by gift, devise, bequest, grant, or otherwise are used in furtherance of the Foundation's program *(22 U.S.C. 290f(e)(9))*	10,000

Total, Funds Appropriated to the President *$13,015,510,000*

Department of Agriculture

AGRICULTURAL RESEARCH SERVICE

Miscellaneous contributed funds: Funds received from States, local organizations, individuals, and others available for work under cooperative agreements on miscellaneous farm utilization, and marketing research activities plant and animal quarantine inspection, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	2,000,000

STATISTICAL REPORTING SERVICE

Miscellaneous contributed funds: Miscellaneous funds received from local organizations, commodity groups, and others are available for dissemination of reports and for crop and livestock survey work under cooperative agreements *(7 U.S.C. 450b, 450h)*	150,000

ECONOMIC RESEARCH SERVICE

Miscellaneous contributed funds: Miscellaneous funds received from States, local organizations, and others are available for support of economic research and analysis *(7 U.S.C. 450b, 450h)*	64,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Miscellaneous contributed funds: Miscellaneous funds received from the Government of Saudi Arabia are available for expenses in support of USDA's technical assistance project *(22 U.S.C. 2392)*	7,900,000

SOIL CONSERVATION SERVICE

Miscellaneous contributed funds: Miscellaneous funds received from States, local organizations, individuals, and others are available for work under cooperative agreements *(7 U.S.C. 450b)*	700,000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Expenses, feed, and attendants for animals in quarantine: Fees advanced by importers *(21 U.S.C. 102)*	1,140,000
Miscellaneous contributed funds: Funds received from States, local organizations, individuals, and others available for plant and animal quarantine inspections, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	1,738,000

AGRICULTURAL MARKETING SERVICE

Expenses and refunds, inspection and grading of farm products: An inspection and grading service of products is provided on request. Thus services are supported primarily by fees paid by users. The schedules reflect expenses paid from fees received *(7 U.S.C. 91-99, 1621-1627)*	83,109,000

FOOD SAFETY AND INSPECTION SERVICE

Expenses and refunds, inspection and grading of farm products:

An inspection and grading service for products is provided on request. These services are supported primarily by fees paid by users. A limited amount of direct appropriation is available which covers a portion of the public benefit service. The schedules reflect expenses paid from fees received *(7 U.S.C. 1621–1627)* $686,000

FOREST SERVICE

Miscellaneous contributed funds:

Advances, including deposits from purchasers of timber, are received and used for specified work in forest investigations, protection, and improvements of the national forests; and protection, reforestation, and administration of private lands adjacent to national forests *(7 U.S.C. 2269; 16 U.S.C. 498, 535, 572, 572a, 576b, 1643; and 31 U.S.C. 725s)* 153,270,000

Reforestation Trust Fund:

Amounts from this account will be used for reforestation as authorized by section 303 of the act of October 14, 1980 *(16 U.S.C. 1606a, (d), and (e))* 31,615,000

Total, Department of Agriculture *$282,372,000*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Gifts and bequests:

This fund established to account for gifts and bequests in furtherance of programs and activities of the Department of Commerce. Property and the proceeds thereof are used as nearly as possible in accordance with the terms of the gift or bequest *(15 U.S.C. 1522)* 200,000

ECONOMIC AND STATISTICAL ANALYSIS

Information products and services:

This fund is maintained to finance the preparation of transcripts from technical and scientific reports, studies, tables, and other research materials 31,000,000

Total, Department of Commerce *$31,200,000*

DEPARTMENT OF DEFENSE—MILITARY

DEPARTMENT OF THE ARMY

General gift fund:

Included in this fund are gifts and bequests limited to specific purposes by the donor, such as, the Evangeline G. Bovard award, Cormack Medical Fund, Quartermaster Foundation Inc., and Henry C. McClean bequest. In addition, it accounts for gifts and bequests not limited to specific use by the donor which may be used for purposes determined by the Secretary of the Army *(10 U.S.C. 2601)* 120,000

DEPARTMENT OF THE NAVY

General gift fund:

This fund consists mostly of donations from individuals, subject to conditions specified by the donor, for the benefit of the Naval Academy, the Naval Academy Museum, and other institutions of the Navy *(10 U.S.C. 6973; 10 U.S.C. 6974; 10 U.S.C. 2601)* 300,000

Office of Naval Records and History Fund:

Gifts or bequests of money and royalties received from sale of histories of U.S. naval operations shall be deposited in the Treasury of the United States under the title "Office of Naval Records and History Funds," and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the Office of Naval Records and Library subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 7222)* 45,000

Ship's stores profits:

Profits on certain sales, to be expended for the recreation and amusement of the enlisted force of the Navy *(31 U.S.C. 725s (68); 10 U.S.C. 7604)* 23,500,000

United States Naval Academy general gift fund:

Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy general gift fund" and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 2601, 6973)* 326,000

United States Naval Academy Museum Fund:

Gifts and bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy Museum Fund" and the funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit of the United States Naval Academy Museum, its collection, or its services. Interest on investments accrues to the fund *(10 U.S.C. 6974)* $249,000

DEPARTMENT OF THE AIR FORCE

General gift fund:

This fund is for gifts or bequests to the Air Force, some of which are limited to use for specific purposes by the donors *(10 U.S.C. 2601)* 60,000

Total, Department of Defense—Military *$24,600,000*

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

Funds contributed for river and harbor improvements:

Indefinite appropriations of the amounts received and covered into the Treasury as contributions and advances by local interests in certain localities for river and harbor improvements as provided in various acts of Congress *(33 U.S.C. 560, 561, 701h, 702f, 703)* 52,000,000

MILITARY RETIREMENT

Military Retirement Fund:

The defense authorization bill, Public Law 98-94, provides for accrual funding of the military retirement system, and for the establishment of a Department of Defense Military Retirement Fund 27,275,771,000

SOLDIERS' AND AIRMEN'S HOME

Payment of claims:

Refunds are made from the permanent fund of amounts of court-martial fines and other charges erroneously deducted from the pay of soldiers and airmen after adjudication of claims therefor by the General Accounting Office *(31 U.S.C. 71, 711(12); 24 U.S.C. 44)* 5,000

Total, Department of Defense—Civil *$27,327,776,000*

DEPARTMENT OF EDUCATION

SPECIAL INSTITUTIONS

Promotion of education for the blind:

A $250,000 trust fund was established in 1879 for the American Printing House for the Blind. The statute provides that the fund will produce annually $10,000 in interest income 10,000

Total, Department of Education *$10,000*

DEPARTMENT OF ENERGY

Advances for cooperative work:

When requested, the Western Area Power Administration performs investigations or construction work with the funding provided by non-Federal entities under the Contributed Funds Act *(43 U.S.C. 395, 396)* 18,460,000

Total, Department of Energy *$18,460,000*

GENERAL SERVICES ADMINISTRATION

National Archives Gift Fund:

Grants and donations are deposited into this fund to benefit National Archives' collections and services in accordance with the terms of the donor *(44 U.S.C. 2305)* 184,000

Total, General Services Administration *$184,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Miscellaneous trust funds:

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are used in accordance with the conditions prescribed *(42 U.S.C. 219, 24 U.S.C. 165, 24 U.S.C. 2001-2004)* $8,124,000

HEALTH CARE FINANCING ADMINISTRATION

Federal Hospital Insurance Trust Fund:

Public Law 89-97 provides social insurance under the Social Security system for inpatient and outpatient hospital care, posthospital extended care, and outpatient hospital extended care, and home health services to over 20 million aged Americans financed by a joint employee-employer tax 51,171,000,000

Federal Supplementary Medical Insurance Trust Fund:

The Social Security Act provides for a voluntary supplemental medical benefits program. Benefit payments are made to those electing coverage to cover the cost of physicians' services, home health services, and other related medical services. Costs of benefit payments and administrative expenses are financed by premium payments together with matching contributions from the general revenues of the Treasury *(revised 4/68)* 25,661,000,000

SOCIAL SECURITY ADMINISTRATION

Federal Old-Age and Survivors Insurance Trust Fund:

Under the provisions of section 201, title II, of the Social Security Act Amendments of 1939, approved August 10, 1939, there was created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund," consisting of the securities held by the Secretary of the Treasury for the "old-age reserve account" and the amount standing to the credit of the "old-age reserve account" on the books of the Treasury of January 1, 1940, which securities and amount the Secretary of the Treasury was authorized and directed to transfer to the trust fund, and, in addition, such amounts as may be appropriated to the trust fund as provided in the act. The act appropriates funds for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury, with the further provision that the trust fund shall repay to the general fund of the Treasury the amount required by the Social Security Board and the Treasury Department to administer title II and title VIII of the act and the Federal Insurance Contributions Act *(42 U.S.C. 401)* 181,995,428,000

Federal Disability Insurance Trust Fund:

The Social Security Act provides disability insurance benefits for certain disabled individuals. An amount equal to 0.55 percent of wages paid and 0.825 percent of self-employment income is appropriated to this fund for benefit payments and administrative expenses. The excess of income over outgo and annual interest are invested in Government securities.

Under the provisions of the act, the Secretary of Health, Education, and Welfare will determine at the end of each year, that portion of the administrative expenses of the Bureau of Old-Age and Survivors Insurance which is a proper charge against this fund *(70 Stat. 821)* 18,108,000,000

Total, Department of Health and Human Services *$276,943,552,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land and Resource Management Trust Fund:

Applicants for conveyance of lands omitted in original surveys pay the cost of surveys and the administrative costs of conveyance. Advances are made by individuals to pay the costs of other types of surveys requested by them. Users of the Federal range and others contribute funds or make gifts for conservation practices, acquisition, protection, and other purposes *(43 U.S.C. 315h, 315i, 775; 74 Stat. 506; 31 U.S.C. 711; 43 U.S.C. 759, 761, and 887; 48 Stat. 1224-1236; 90 Stat. 2758; secs. 211 and 307(c) of Public Law 94-579)* 599,000

Trustee funds, Alaska townsites:

Amounts received from sale of Alaska town lots are available for expenses incident to the maintenance and sale of townsites *(31 U.S.C. 725s; Comp. Gen. Decision of Nov. 18, 1935)* 1,000

BUREAU OF RECLAMATION

Reclamation trust funds:

Funds advanced by State and local governments are used for investigations and construction requested by those governments and by foreign governments for technical services other than those services performed under auspices of Foreign Operations Administration *(43 U.S.C. 395, 396)* $15,350,000

U.S. FISH AND WILDLIFE SERVICE

Contributed funds:

For miscellaneous contributed funds, received by the Fish and Wildlife Service from States, local organizations, individuals, et cetera, deposited in the Treasury of the United States and made available for work under cooperative agreements *(5 U.S.C. 563, 564; 16 U.S.C. 661)* 3,738,000

NATIONAL PARK SERVICE

Donations:

Hereafter the Secretary of the Interior in the administration of the National Park Service is authorized in his discretion to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purpose of the National Park and Monument System *(16 U.S.C. 6)* 16,500,000

Preservation, birthplace of Abraham Lincoln:

Interest from an endowment fund, title to which was transferred to the United States by the Lincoln Farm Association on April 11, 1916, in connection with deed of gift conveying the homestead of Abraham Lincoln and the log cabin in which he was born. This fund has been converted into the city of Louisville, KY, bonds amounting to $44,000 and United States Treasury bonds amounting to $16,500, the income from which is available for expenses incident to the preservation of the birthplace of Lincoln *(16 U.S.C. 211–212)* 8,000

Jefferson National Expansion Memorial, contributions:

Pursuant to the act of May 17, 1954 (68 Stat. 98–100) as amended, the Secretary of the Interior was authorized to construct upon the National Expansion Memorial National Historic Site an appropriate national memorial 14,000

GEOLOGICAL SURVEY

Contributed funds:

Funds contributed by States, counties, municipalities, and private sources are used to provide basic scientific data and analyses concerning water, land, energy, and mineral resources 500,000

BUREAU OF MINES

Contributed funds:

Funds contributed by States, counties, municipalities and private sources are used to conduct research and investigations to promote (a) the conservation and development of mineral resources and (b) health and safety in the mineral industries 500,000

BUREAU OF INDIAN AFFAIRS

Cooperative Fund (Papago):

The Cooperative Fund, established by section 313 of the Southern Arizona Water Rights Settlement Act (96 Stat. 1274–1285), provides a source of funds for the Secretary of the Interior to carry out the obligations of the Secretary under sections 303, 304, and 305 of the act. Only interest accruing to the fund may be expended. However, the law provides that no such interest can be spent prior to the earlier of 1992 or the completion of the main project works of the central Arizona project 1,375,000

Tribal trust funds:

Funds held in trust for Indian tribes under the provisions of various acts are used for the expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians. The tribes are encouraged to develop plans for the beneficial use of their funds *(44 Stat. 560; 25 U.S.C., Sec. 155; 82 Stat. 171)* 445,102,000

Total, Department of the Interior *$483,687,000*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Gifts and bequests, National Commission for Employment Policy:

Miscellaneous funds from gifts and bequests are used to carry out the provisions of the National Commission for Employment Policy *(29 U.S.C. 954)* $10,000

Unemployment Trust Fund:

The financial transactions of the Federal-State and railroad unemployment insurance systems are made through the Unemployment Trust Fund. In the Federal-State system, benefit payments are made by each State, financed by State payroll taxes. These tax receipts are deposited in the Unemployment Trust Fund and invested in Government securities until needed for benefit payments. The expenses of State and Federal administration (including those of the Federal-State employment service), are paid from the fund out of revenue from the Federal unemployment tax, assessed on employers, of 0.5 percent of the first $4,200 of wages.

Both the benefit payments and administrative expenses of the separate Unemployment Insurance Program for railroad employees are paid from the Unemployment Trust Fund and receipts from the tax on wages of railroad employees are deposited in the fund to meet expenses *(42 U.S.C. 1104)* 27,700,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

Special workmen's compensation expenses; Longshoremen's and Harbor Worker's Compensation Act:

Trust fund created by section 44 of the act of March 4, 1927 *(33 U.S.C. 944)*, from the amount received as compensation for death of an employee where no person is entitled to compensation for such death and from fines and penalties collected; to be used for the payment of additional compensation under the provisions of subdivisions (f) and (g) of section 8 of the act of March 4, 1927 *(33 U.S.C. 908; 31 U.S.C. 725; 33 U.S.C. 944)* 62,000,000

Total, Department of Labor *$27,762,010,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Foreign Service Retirement and Disability Fund:

This fund is used primarily for the payment of annuities to retired Foreign Service officers. It is also used for the refund of contributions made to certain officers who leave the Foreign Service before retirement. The fund is maintained through (1) contribution of 7 percent of the basic annual salaries of all Foreign Service officers; (2) interest on investments; and (3) appropriated funds *(22 U.S.C. 1062)* 598,010,000

Unconditional Gift Fund:

Unconditional gifts may be used to carry out the Department's functions *(22 U.S.C. 809)* 250,000

Conditional Gift Fund:

This fund consists of procurement of furnishing, paintings, and decorative objects for the Department's diplomatic reception rooms and funds donated by overseas commissary and mess services to assist such services at other posts *(22 U.S.C. 809)* 1,550,000

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Gifts and bequests, National Commission on Educational, Scientific, and Cultural Cooperation:

This trust fund receives gifts or bequests of money from private individuals and organizations to be used to carry out any of the authorized educational, scientific, or cultural purposes of the United States National Commission for UNESCO *(22 U.S.C. 287(g))* 50,000

Total, Department of State *$599,860,000*

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY TRUST FUND

The Highway Revenue Act of 1956, as amended, provides for the transfer from the general fund to the Highway Trust Fund of revenue from the gasoline tax and certain other taxes paid by highway users. The Secretary of the Treasury estimates the amounts to be so transferred. In turn, annual appropriations are authorized from this fund to meet expenditures for Federal-aid highways and other programs specified by law as follows:

Federal-aid highways:

Grants are made to States for construction and improvements of Federal-aid highways. Contract authorizations are provided in the Federal-Aid Highway Act of 1956 and subsequent highway legislation to cover 90 percent of the costs of completing the 42,500-mile national system of interstate and defense highways, and to provide Federal matching funds for the primary, secondary, and urban programs under the statutory formulas. The Federal share of project costs is increased in those States with large areas of public domain. Payments to the States for work done are made out of the Highway Trust Fund, into which are deposited certain percentages of tax receipts on motor fuel, tires and tubes, tread rubber, trucks, buses, trailers, truck use, truck parts and accessories, and on lubricating oil used in highway vehicles $14,644,821,000

Highway-related safety grants:

The Highway Safety Act of 1970 authorized grants to States and communities for implementing and maintaining highway-related safety standards 9,802,000

MISCELLANEOUS TRUST FUNDS

Contributions for highway research programs:

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment 11,000

Cooperative work, forest highways:

Contributions are received from States and counties in connection with cooperative engineering, survey, maintenance, and construction projects for forest highways *(23 U.S.C. 204)* 332,000

Technical assistance, U.S. dollars advanced from foreign governments:

Under the Foreign Economic Assistance Act and under agreement with the International Bank for Reconstruction and Development and the Export-Import Bank of Washington, the Federal Highway Administration renders technical assistance and acts as agent for the purchase of equipment and materials for carrying out highway programs in foreign countries. During the current year these services are being rendered to Costa Rica, the Dominican Republic, Ethiopia, Iran, Nicaragua, and the Philippines *(64 Stat. 204, 209)* 8,200,000

Advances from State cooperating agencies:

Funds are contributed by the State highway department or local subdivisions thereof for construction and/or maintenance of roads or bridges. The work is performed under the supervision of the Federal Highway Administration 277,000

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Highway traffic safety grants:

For payment of obligations incurred in carrying out the provisions of 23 United States Code 402, 406, and 408, and section 209 of Public Law 95–599 *(92 Stat. 2727, 2728; 95 Stat. 626, 627; 96 Stat. 1740; Public Law 97–424)* 148,100,000

URBAN MASS TRANSPORTATION ADMINISTRATION

Discretionary grants:

Provides for transfer, from the general fund to a new mass transit account in the highway trust fund, the equivalent of 1 cent per gallon of motor fuels taxes paid by highway users *(Public Law 97–424)* 1,100,000,000

FEDERAL AVIATION ADMINISTRATION

Grants-in-aid for airports (Airport and Airway Trust Fund):

Authorizes the Secretary of Transportation to incur obligations for airport planning, noise abatement planning and development grants through 1987 *(Public Law 97–248)* 987,000,000

COAST GUARD

Coast Guard General Gift Fund (trust account): This trust fund, maintained from gifts and bequests, is used for purposes as specified by the donor in connection with the Coast Guard Training Program *(10 U.S.C. 2601)*		$80,000

MARITIME ADMINISTRATION

Special studies, services, and projects: The trust fund was established pursuant to 15 U.S.C. 1525–1526 joint projects with non-Federal sources on inland waterways communications systems, and the joint development of a bilateral cargo information system		385,000
Gifts and bequests: The Secretary of Transportation is authorized to accept, hold, administer, and utilize gifts and bequests of property. Proceeds are used in accordance with the terms of the gift or bequest		15,000
Total, Department of Transportation	*$16,899,023,000*	

DEPARTMENT OF THE TREASURY

OFFICE OF REVENUE SHARING

State and Local Government Fiscal Assistance Trust Fund: This trust fund was established by the State and Local Fiscal Assistance Act of 1972 and renewed under Public Law 94–488, the State and Local Fiscal Assistance Amendments of 1976, to provide general revenue sharing payments to localities for defined high-priority expenditures and payments to the States to supplement their revenue sources. Payments to the States and localities are made at least quarterly. It is anticipated that the fourth quarter payment for each year will continue to be paid within the first 5 days of the succeeding year, as provided by law		4,566,700,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Esther Cattell Schmitt Fund: Public Law 87–467 *(76 Stat. 88)* authorized the acceptance of the gift made to the United States by the will of Esther Cattell Schmitt. The income received from the gift to the United States is paid by the Secretary of the Treasury to beneficiaries named in provisions of the will		18,000
Pershing Hall Memorial Fund: The Secretary of the Treasury may invest the Pershing Hall Memorial Fund in interest bearing U.S. bonds. Earnings are paid to the American Legion for use in the maintenance of Pershing Hall in Paris, France *(36 U.S.C. 491)*		7,000

U.S. CUSTOMS SERVICE

Refunds, transfers and expenses, unclaimed, abandoned, and seized goods: All proceeds of the sale of abandoned and seized merchandise are deposited to this account. Expenses of sale are paid and net proceeds transferred to miscellaneous receipts *(19 U.S.C. 528, 1491, 1493, 1559, 1613, 1624)*		6,500,000
Total, Department of the Treasury	*$4,573,225,000*	

VETERANS ADMINISTRATION

Post-Vietnam era veteran's education account: This account is a depository for that portion of the contributory matching Educational Program which provides educational assistance payments to participants who entered the service after January 1, 1977, and are pursuing training under chapter 32 *(38 U.S.C.)*		225,500,000
General Post Fund, national homes: This fund consists of gifts, and bequests and proceeds of property left in the care of the homes by former members; unpaid pension money standing to the credit of members of the homes who die without pensionable heirs, and proceeds from effects of members of the homes who die leaving no heirs or next of kin and without having disposed of their estate by will. Such funds are available upon authorization of the Administrator of Veterans Affairs for the construction of chapels, amusement halls, and for other objects to promote the comfort and welfare of the veterans at the various hospitals and homes in cases where no general appropriation is available *(38 U.S.C. Chs. 83 and 85)*		11,800,000

National Service Life Insurance Trust Fund:

This fund was established in 1940 as the financing mechanism for World War II Servicemen's and Veterans Insurance Program authorized by the National Service Life Insurance Act of 1940. Over 22 million policies have been issued under this program. Because issuance of new policies ended in 1951 the insurance in force will continue to decline.

This fund is operated on a commerical basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the veterans insurance and indemnities appropriation for claims (1) resulting from extra hazards of the veterans' service, and (2) arising on certain policies held by personnel on active duty *(72 Stat. 1154)* $1,267,500,000

U.S. Government Life Insurance Fund:

This fund was established in 1919 to receive premiums and pay claims on insurance issued under the provisions of the War Risk Insurance Act.

The fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the appropriation veterans insurance and indemnities for claims (a) resulting from the extra hazards of the veterans' service, and (b) arising on certain policies held by personnel on active military duty *(72 Stat. 1161)* 20,800,000

Total, Veterans Administration *$1,525,600,000*

INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Contributions:

State and local governments and nonprofit organizations contribute funds to strengthen the Commission's clearinghouse and information services to State and local governments, for special studies, and to encourage widespread consideration of the Commission's recommendations for improving intergovernmental relations 270,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Donations:

The chairman of the Advisory Council on Historic Preservation accepts and uses donated moneys for purposes of the Council *(16 U.S.C. 470)* 5,000

AMERICAN BATTLE MONUMENTS COMMISSION

Contributed Flower Fund:

This fund consists of moneys deposited by citizens for floral decorations for graves in military cemeteries in foreign countries. The donor is advised when flowers have been placed *(36 U.S.C. 128)* 24,000

Repair of non-Federal war memorials:

When requested to do so and upon receipt of the necessary funds, the Commission will arrange for and oversee the repair of war memorials to U.S. Forces erected in foreign countries by American citizens, States, municipalities, or associations. Such moneys are accounted for through this fund *(36 U.S.C. 128)* ... 10,000

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Harry S. Truman Memorial Scholarship Trust Fund:

The Foundation is authorized to award college scholarships of up to $5,000 annually for 4 years to qualified persons who demonstrate outstanding potential and who are preparing to pursue careers in public service at the local, State, or Federal levels 4,349,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gifts and donations:

The National Foundation on the Arts and the Humanities Act of 1965 authorizes the Government to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of in support of the purposes of the Foundation. Total gifts are matched by a general fund appropriations *(79 Stat. 845)* ... 504,000

NATIONAL SCIENCE FOUNDATION

Donations:

Donations are used in furtherance of general purposes of the Foundation $5,000,000

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement and Disability Fund:

The act of May 22, 1920 ***(41 Stat. 614)*** as amended, authorized the establishment of the Civil Service Retirement and Disability Fund and the deposit therein of deductions from the salaries of, and deposits for additional annuity by, employees and other members of the Civil Service Retirement and Disability Fund and appropriated said fund for the payment of annuities, refunds, and allowances to such members. Said fund is supplemented by contributions from the various Government agencies as required by the act of July 31, 1956 ***(5 U.S.C., ch. 14, Stat. 622, act of July 31, 1956)*** 38,473,478,000

RAILROAD RETIREMENT BOARD

Rail Industry Pension Fund:

Fund revenues are derived from pension contributions by railroad employers and employees; interest on investments; various temporary subsidies; and payments from the Federal old-age, survivors and disability insurance trust funds 3,537,000,000

Railroad Social Security equivalent benefit account:

All railroad retirees receive the equivalent of a Social Security benefit, and they may also receive rail industry pension payments and special windfall payments. Social Security benefits for former railroad employees are funded by the Social Security trust funds, and rail industry pension payments are the responsibility of the rail sector. To ensure and protect the integrity of Social Security benefits to railroad retirees, the Railroad Retirement Solvency Act of 1983 mandated that beginning in 1985, the financing and payment of Federal Social Security benefits be separated from the Rail Industry Pension Trust Fund 5,655,000,000

SMITHSONIAN INSTITUTION

Canal Zone Biological Area Fund:

The act of July 1, 1940, section 6, provides that all moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7 of said act, shall be deposited into the Treasury as a trust fund to be appropriated and used to defray part of the expenses of maintaining and operating the Canal Zone Biological Area ***(60 Stat. 1101; 20 U.S.C. 79, 79a)*** 115,000

U.S. HOLOCAUST MEMORIAL COUNCIL

Gifts and donations:

The United States Holocaust Memorial Council may solicit and accept donations to aid or facilitate the construction, maintenance, and operation of the the memorial, as per section 7 of Public Law 96–388 100,000

U.S. INFORMATION AGENCY

U.S. dollars advanced from foreign governments:

Funds advanced by other governments and private organizations are used to send experts abroad to perform requested services; to give foreign nationals scientific, technical, or other training; to purchase films and other products owned or controlled by the International Communication Agency; and to replace damaged or destroyed International Communication Agency property ***(22 U.S.C. 1431–1479)*** 925,000

Contributions, educational, and cultural exchange:

Funds contributed by private individuals and concerns, foreign governments, and international organizations are used for the purposes of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455) and for carrying out other functions of the Agency ***(22 U.S.C. 809a and 22 U.S.C. 2697)*** 1,200,000

U.S. TAX COURT

Tax Court Judges Survivors Annuity Fund:

This fund, established under 26 U.S.C. 7448, effective October 4, 1961, is used to pay annuities to eligible widows and dependent children of deceased judges of the Tax Court of the United States. Participating judges pay into the fund 3 percent of their salaries or retired pay to cover creditable service for which payment is required and additional funds needed are transferred to the fund by the Tax Court from appropriations 241,000

Total, Independent agencies *$47,678,221,000*
Grand total, trust funds *417,186,025,000*

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1985 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1984	1985
Legislative:		
Library of Congress	$7,160,000	$7,441,000
Office of Technology Assessment	2,000	3,000
Total	7,162,000	7,444,000
The Judiciary	12,364,000	13,291,000
Executive: Funds appropriated to the President	12,615,490,000	13,015,510,000
Department of Agriculture:		
Agricultural Research Service	2,000,000	2,000,000
Statistical Reporting Service	150,000	150,000
Economic Research Service	64,000	64,000
Office of International Cooperation and Development	4,591,000	7,900,000
Soil Conservation Service	560,000	700,000
Animal and Plant Health Inspection Service	2,878,000	2,878,000
Agricultural Marketing Service	76,237,000	83,109,000
Food Safety and Inspection Service	686,000	686,000
Forest Service	184,180,000	184,885,000
Total	271,346,000	282,372,000
Department of Commerce:		
General Administration	200,000	200,000
Economic and Statistical Analysis	29,000,000	31,000,000
Total	29,200,000	31,200,000
Department of Defense—Military	23,500,000	24,600,000
Department of Defense—Civil:		
Corps of Engineers—Civil	51,000,000	52,000,000
Military retirement		27,275,771,000
Soldiers' and Airmen's Home	5,000	5,000
Total	51,005,000	27,327,776,000
Department of Education:		
Special institutions	10,000	10,000
Departmental management	24,000	
Total	34,000	10,000
Department of Energy: Energy programs	32,205,000	18,460,000
General Services Administration: Records activities	184,000	184,000
Department of Health and Human Services:		
Office of the Assistant Secretary for Health	8,124,000	8,124,000
Health Care Financing Administration	67,870,000,000	76,832,000,000
Social Security Administration	178,446,415,000	200,103,428,000
Total	246,324,539,000	276,943,552,000
Department of the Interior:		
Bureau of Land Management	600,000	600,000
Bureau of Reclamation	16,920,000	15,350,000

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1985 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1984	1985
Executive—Continued:		
Department of the Interior—Continued:		
U.S. Fish and Wildlife Service	$3,572,000	$3,738,000
National Park Service	12,722,000	16,522,000
Geological Survey	500,000	500,000
Bureau of Mines	700,000	500,000
Bureau of Indian Affairs	411,599,000	446,477,000
Total	446,613,000	483,687,000
Department of Labor:		
Employment and Training Administration	28,100,010,000	27,700,010,000
Employment Standards Administration	46,000,000	62,000,000
Total	28,146,010,000	27,762,010,000
Department of State:		
Administration of Foreign Affairs	585,387,000	599,810,000
International Organizations and Conferences	43,000	50,000
Total	585,430,000	599,860,000
Department of Transportation:		
Federal Highway Administration	13,926,106,000	14,663,443,000
National Highway Traffic Safety Administration	148,100,000	148,100,000
Urban Mass Transportation Administration	1,250,000,000	1,100,000,000
Federal Aviation Administration	993,500,000	987,000,000
Coast Guard	80,000	80,000
Maritime Administration	400,000	400,000
Office of the Secretary	1,000	
Total	16,318,187,000	16,899,023,000
Department of the Treasury:		
Office of Revenue Sharing	4,566,700,000	4,566,700,000
Bureau of Government Financial Operations	25,000	25,000
U.S. Customs Service	6,000,000	6,500,000
Total	4,572,725,000	4,573,225,000
Veterans Administration	1,465,500,000	1,525,600,000
Independent agencies:		
Advisory Commission on Intergovernmental Relations	270,000	270,000
Advisory Council on Historic Preservation	5,000	5,000
American Battle Monuments Commission	34,000	34,000
Appalachian Regional Commission	4,500,000	
Harry S. Truman Scholarship Foundation	4,335,000	4,349,000
National Foundation on the Arts and the Humanities	496,000	504,000
National Science Foundation	5,000,000	5,000,000
Office of Personnel Management	36,045,020,000	38,473,478,000
Railroad Retirement Board	8,753,000,000	9,192,000,000
Smithsonian Institution	100,000	115,000
U.S. Holocaust Memorial Council	100,000	100,000
U.S. Information Agency	2,625,000	2,125,000
U.S. Tax Court	241,000	241,000
Total, Independent Agencies	44,815,726,000	47,678,221,000
Grand total	355,717,220,000	417,186,025,000

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IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 98th CONG., 2D SESS.

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS		
Agriculture, rural development, and related agencies (pp. 73-100):[1]		
Agricultural programs	$10,811,004,000	
Rural development programs	4,872,335,000	
Domestic food programs	15,572,608,000	
International programs	1,443,486,000	
Related agencies	426,886,000	
Total		[1]$33,126,319,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies (pp. 101-130):		
Department of Commerce and related agencies *(27,000,000 current trust funds)*	3,253,313,000	
Department of Justice and related agencies	4,171,215,000	
Department of State and related agencies *(1,600,000 current trust funds)*	3,147,045,200	
The Judiciary	977,903,000	
Total		11,549,476,200
Department of Defense (p. 131):[2]		
Military personnel	66,895,639,000	
Operation and maintenance	77,521,356,000	
Procurement	97,111,404,000	
Research, development, test, and evaluation	31,187,071,000	
Special foreign currency program	8,650,000	
Revolving and management funds	1,553,956,000	
Related agencies	120,097,000	
Total		[2]274,398,173,000
District of Columbia (pp. 133-145):[3]		
Federal funds to the District of Columbia	533,343,000	
(Out of District revenues)	*(2,363,128,000)*	
Total		[3]533,343,000
Energy and water development (pp. 147-164):		
Department of Defense—Civil	2,791,000,000	
Department of the Interior	1,052,709,000	
Department of Energy	10,807,228,000	
Independent agencies:		
Appalachian Regional Commission	2,300,000	
Appalachian regional development programs	49,000,000	
Appalachian highway system	100,000,000	
Delaware River Basin Commission	455,000	
Interstate Commission on the Potomac River Basin	70,000	
Nuclear Regulatory Commission	448,200,000	
Susquehanna River Basin Commission	397,000	
Tennessee Valley Authority	120,000,000	
Total		15,371,359,000
Foreign assistance and related programs (p. 165):[4]		
Multilateral Economic Assistance:		
International Bank for Reconstruction and Development	109,721,549	
International Development Association	900,000,000	
Inter-American Development Bank	120,500,983	
Asian Development Bank	113,232,676	
African Development Fund	50,000,000	
African Development Bank	17,987,678	
International organizations and programs	358,676,500	

See footnotes at end of table, p. 1800.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 98th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Foreign assistance and related programs (p. 165)—Continued: [4]		
Bilateral Economic Assistance:		
Agency for International Development	$6,179,117,250	
African Development Foundation	1,000,000	
Inter-American Foundation	11,992,000	
Peace Corps	128,600,000	
International narcotics control	50,217,000	
Migration and refugee assistance	325,500,000	
Anti-terrorism assistance	5,000,000	
Peacekeeping operations	44,000,000	
Military Assistance	5,909,821,000	
Export-Import Bank	3,865,000,000	
Total		[4] $18,190,366,636
Department of Housing and Urban Development—Independent agencies (pp. 167-192):		
Department of Housing and Urban Development	16,935,207,775	
Rescission of contract authority *(indefinite)*	−4,753,547,000	
Independent agencies:		
American Battle Monuments Commission	11,065,000	
Consumer Product Safety Commission	36,000,000	
Cemeterial Expenses, Army	7,759,000	
Environmental Protection Agency *(620,000,000 current trust funds)*	4,372,775,000	
Council on Environmental Quality and Office of Environmental Quality	700,000	
Office of Science and Technology Policy	2,194,000	
Federal Emergency Management Agency	561,368,000	
Consumer Information Center	1,149,000	
Office of Consumer Affairs	2,096,000	
National Aeronautics and Space Administration	7,491,400,000	
National Science Foundation	1,501,792,000	
Neighborhood Reinvestment Corporation	15,512,000	
Selective Service System	27,780,000	
Payments to Local Government Fiscal Assistance Trust Fund	4,566,700,000	
Office of Revenue Sharing	7,941,000	
Veterans Administration	25,755,408,000	
Total *(net)*		56,543,299,775
Department of the Interior and related agencies (pp. 193-194): [5]		
Department of the Interior *(64,100,000 current trust funds)*	4,315,914,000	
Fiscal year 1986	4,900,000	
Related agencies:		
Forest Service *(88,000 current trust funds)*	1,310,073,000	
Department of the Treasury *(rescission)*	−5,375,000,000	
Department of Energy	981,693,000	
Department of Health and Human Services	855,362,000	
Department of Education	67,404,000	
Other related agencies	587,987,000	
Total *(net)*		[5] 2,748,333,000
Departments of Labor, Health and Human Services, and Education and related agencies (pp. 195-224):		
Department of Labor *(950,000,000 current trust funds)*	6,340,645,000	
Department of Health and Human Services	[6] 79,630,793,000	
Department of Education and Special Institutions	17,851,556,000	
Related agencies *(42,352,000 current trust funds)*	991,899,000	
Total		104,814,893,000
Legislative branch (pp. 225-241):		
Congressional Operations	1,020,310,038	
Rescission, Fiscal year 1982	−914,000	
Other Agencies	531,619,000	
Total *(net)*		1,551,015,038

See footnotes at end of table, p. 1800.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 98th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Military construction (p. 243)[7]		[7] $8,405,206,000
Department of Transportation and related agencies (pp. 245-246):[8]		
Department of Transportation *(2,791,331,000 current trust funds)*	$10,973,663,639	
Related agencies	607,421,945	
Total		[8] 11,581,085,584
Treasury, Postal Service, and general government (pp. 247-271):[9]		
Department of the Treasury	5,234,224,000	
United States Postal Service	1,040,509,000	
Executive Office of the President	99,190,000	
Independent agencies:		
Administrative Conference of the United States	1,468,000	
Advisory Commission on Intergovernmental Relations	2,131,000	
Advisory Committee on Federal Pay	220,000	
Commission on Executive, Legislative and Judicial Salaries	160,000	
Committee for Purchase from the Blind and Other Severely Handicapped	710,000	
Federal Election Commission	12,900,000	
General Services Administration	495,089,000	
Office of Personnel Management	5,815,074,000	
Merit Systems Protection Board	25,060,000	
Federal Labor Relations Authority	17,197,000	
United States Tax Court	22,344,000	
Total		[9] 12,766,276,000
Total, regular annual appropriation acts *(net)*		[10] 551,579,145,233
SUPPLEMENTAL APPROPRIATION ACTS		
Urgent Supplemental, Department of Health and Human Services, 1984 (P.L. 98-248) (pp. 1-2)	290,000,000	
Urgent Supplemental, Department of Agriculture, 1984 (P.L. 98-332) (pp. 3-9)	1,123,705,000	
Second Supplemental Appropriations Act, 1984 (P.L. 98-396) (pp. 11-71)	6,586,462,000	
Rescissions	−409,717,000	
Total, supplemental appropriation acts *(net)*		7,590,450,000
CONTINUING APPROPRIATIONS		
Fourth Further Continuing Appropriations, 1985 (P.L. 98-473):		
Agriculture, Rural Development and Related Agencies, 1985 (p. 283)	[11] *(33,126,319,000)*	
District of Columbia, 1985 (pp. 283 and 410-412)	[11] *(533,343,000)*	
Department of the Interior and related agencies, 1985 *(net)* (pp. 283-319)	[11] *(2,748,333,000)*	
United States Institute of Peace (p. 320)	4,000,000	
Department of Health and Human Services (p. 320)	6,000,000	
Military Construction, 1985 (pp. 321-327)	[11] *(8,405,206,000)*	
Foreign assistance and related programs, 1985 (pp. 327-346)	[11] *(18,190,366,636)*	
Department of Defense, 1985 (pp. 346-383)	[11] *(274,398,173,000)*	
Department of Transportation and related agencies, 1985 (pp. 383-400)	[11] *(11,581,085,584)*	
Treasury, Postal Service and General Government, 1985 (p. 400)	[11] *(12,766,276,000)*	
Department of Health and Human Services (p. 400)	523,531,000	
Department of Education (p. 401)	40,000,000	
Environmental Protection Agency (p. 401)	13,000,000	
Veterans Administration (pp. 401-402)	306,600,000	
Department of Housing and Urban Development (pp. 403-404)	395,700,000	
Department of State (p. 404)	6,500,000	
Department of the Treasury (p. 404-405)	448,753	
Department of Transportation (p. 408)	14,000,000	
Department of Agriculture (p. 408)	1,000,000	
Department of Health and Human Services (p. 408)	11,550,000	
Commission on the Ukraine Famine (p. 409)	400,000	
Department of State (p. 409)	110,200,000	
Department of Health and Human Services (p. 610)	25,000,000	
Total, continuing appropriations		1,457,929,753

See footnotes at end of table, p. 1800.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 98th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Title of appropriation act		Amount
MISCELLANEOUS LAWS CARRYING APPROPRIATIONS		
Legislative acts (pp. 1926–1927)	[12] $210,000,000	
Federal funds	(75,000,000)	
Trust funds	(135,000,000)	
Private appropriation acts (p. 1767)	169,080	
Total, appropriations in miscellaneous laws		$210,169,080
Grand total, regular annual, supplemental, continuing and other acts *(net)*		560,837,694,066
Consisting of—		
New budget *(obligational)* authority	(571,376,872,066)	
Rescissions of unobligated balances	(−10,539,178,000)	
PERMANENT FEDERAL FUNDS AND TRUST FUNDS		
Federal funds:		
Interest on public debt (p. 1778)	165,031,108,000	
Other (pp. 1769–1781)	37,137,258,000	
Total, Federal funds	202,168,366,000	
Trust funds:		
Social Security Administration (p. 1787)	200,103,428,000	
Other (pp. 1783–1795)	217,082,597,000	
Total, Trust funds	417,186,025,000	
Total, permanent Federal funds and Trust funds		619,354,391,000
Grand total, all funds *(net)*		1,180,192,085,066
Fiscal year 1980 *(rescissions)*	−5,375,000,000	
Fiscal year 1982 *(rescissions)*	−914,000	
Fiscal year 1984 *(net)*	7,542,161,080	
Fiscal year 1985 *(net)*	1,166,940,668,986	
Fiscal year 1986	10,885,169,000	
Fiscal year 1987	200,000,000	
RECAPITULATION AND RECONCILIATION		
Federal funds		758,374,589,066
Trust funds		[13] 421,817,496,000
Adjustment for interfund and intragovernmental transactions (see par. 4, "Compilers' Notes," p. IV)		−183,164,276,000
Net total new budget *(obligational)* authority for session		997,027,809,066

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[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(a) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see p. 283, this volume).

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(h) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 346–383, this volume).

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(b) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 283 and 410–412, this volume).

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(e)(1) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 327–346, this volume).

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 283–319, this volume).

[6] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905 this volume, for accounts involved).

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 321–327, this volume).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(i) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see pp. 383–400, this volume).

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 98–473, Fourth Further Continuing Appropriations, 1985 (see p. 400, this volume).

[10] Includes amounts provided through further continuing appropriations for eight regular annual appropriations bills. These bills are: (1) Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985, H.R. 5743 ($33,126,319,000); (2) Department of Defense Appropriation Bill, 1985, H.R. 6329 ($274,398,173,000); (3) District of Columbia Appropriation Bill, 1985, H.R. 5899 ($533,343,000); (4) Foreign Assistance and Related Programs Appropriations Bill, 1985, H.R. 6237 ($18,190,366,636); (5) Department of the Interior and Related Agencies Appropriations Bill, 1985, H.R. 5973 ($2,748,333,000); (6) Military Construction Appropriation Bill, 1985, H.R. 5898 ($8,405,206,000); (7) Department of Transportation and Related Agencies Appropriation Bill, 1985, H.R. 5921 ($11,581,085,584); and (8) Treasury, Postal Service, and General Government Appropriations Bill, 1985, H.R. 5798 ($12,766,276,000).

[11] For informational purposes only. Amount included in total for "regular annual appropriations acts (net)" earlier in table.

[12] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974–1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[13] Consists of $4,496,471,000 in "current" trust funds; $135,000,000 in trust funds from Legislative Acts; and $417,186,025,000 in "permanent" trust funds.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Department of Agriculture:			
Regular annual, supplemental and continuing acts:			
Agricultural programs	$12,146,420,000	$10,812,004,000	−$1,334,416,000
Rural development programs	4,284,470,000	4,872,335,000	+587,865,000
Domestic food programs	15,411,834,000	15,572,608,000	+160,774,000
International programs	1,465,999,000	1,443,486,000	−22,513,000
Forest Service	1,389,807,000	1,310,073,000	−79,734,000
Total, regular annual, supplemental and continuing acts	34,698,530,000	34,010,506,000	−688,024,000
Permanent appropriations:			
Federal funds	4,419,085,000	[1]3,343,919,000	−1,075,166,000
(Authority to borrow)	*(1,292,896,000)*	*(1,101,000)*	*(−1,291,795,000)*
Trust funds	271,346,000	282,372,000	+11,026,000
Total, Department of Agriculture	39,388,961,000	37,636,797,000	−1,752,164,000
Department of Commerce:			
Regular annual and supplemental acts	2,027,276,000	2,129,304,000	+102,028,000
Permanent appropriations:			
Federal funds	33,586,000	38,600,000	+5,014,000
Trust funds	29,200,000	31,200,000	+2,000,000
Total, Department of Commerce	2,090,062,000	2,199,104,000	+109,042,000
Department of Defense—Civil:			
Regular annual and supplemental acts	2,689,550,000	2,841,111,000	+151,561,000
Permanent appropriations:			
Federal funds	9,283,000	8,909,679,000	+8,900,396,000
Trust funds	51,005,000	27,327,776,000	+27,276,771,000
Total, Department of Defense—Civil	2,749,838,000	39,078,566,000	+36,328,728,000
Department of Defense—Military:			
Regular annual and supplemental acts:			
Army	62,282,895,000	73,820,866,000	+11,537,971,000
Navy	81,607,535,000	95,608,133,000	+14,000,598,000
Air Force	85,972,485,000	99,348,871,000	+13,376,386,000
Rescission	−91,000,000		+91,000,000
Department of Defense	28,171,856,000	13,905,412,000	−14,266,444,000
Total, regular annual and supplemental acts *(net)*	257,943,771,000	282,683,282,000	+24,739,511,000
Legislative acts: Trust funds[2]		[2]30,000,000	+30,000,000
Permanent appropriations:			
Federal funds	600,000	600,000	
(Authority to borrow)	*(600,000)*	*(600,000)*	
Trust funds	23,500,000	24,600,000	+1,100,000
Total, Department of Defense—Military *(net)*	257,967,871,000	282,738,482,000	+24,770,611,000
District of Columbia—Federal funds:			
Regular annual act	600,811,600	533,343,000	−67,468,600
District of Columbia—Payable from District revenue:			
(Regular annual and supplemental acts) (net)	*(2,192,460,300)*	*(2,363,128,000)*	*(+170,667,700)*

See footnotes at end of table, p. 1806.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Department of Education:			
Regular annual, supplemental and continuing acts	$15,431,969,000	$17,958,960,000	+$2,526,991,000
Permanent appropriations:			
Federal funds	7,161,000	7,161,000	
Trust funds	34,000	10,000	−24,000
Total, Department of Education	15,439,164,000	17,966,131,000	+2,526,967,000
Department of Energy:			
Regular annual and supplemental acts	11,745,835,000	11,788,921,000	+43,086,000
Rescission	−50,000,000		+50,000,000
Total, regular annual and supplemental acts *(net)*	11,695,835,000	11,788,921,000	+93,086,000
Permanent appropriations:			
Federal funds	283,855,000	314,300,000	+30,445,000
(Authority to borrow)	*(283,285,000)*	*(298,730,000)*	*(+15,445,000)*
Trust funds	32,205,000	18,460,000	−13,745,000
Total, Department of Energy *(net)*	12,011,895,000	12,121,681,000	+109,786,000
Environmental Protection Agency:			
Regular annual, supplemental and continuing acts	4,111,000,000	4,385,775,000	+274,775,000
Foreign Assistance:			
Regular annual and supplemental acts	20,268,022,412	17,765,649,636	−2,502,372,776
Permanent appropriations:			
Trust funds	12,615,490,000	13,015,510,000	+400,020,000
(Contract authority)	*(12,600,000,000)*	*(13,000,000,000)*	*(+400,000,000)*
Total, Foreign Assistance	32,883,512,412	30,781,159,636	−2,102,352,776
General Government:			
Regular annual, supplemental and continuing acts	7,073,253,569	7,613,073,945	+539,820,376
Rescission	−33,375,000		+33,375,000
Total, regular annual, supplemental and continuing acts *(net)*	7,039,878,569	7,613,073,945	+573,195,376
Appropriated during 97th Cong., 1st. sess. for fiscal year 1984	105,600,000		−105,600,000
Appropriated during 97th Cong., 2nd. sess. for fiscal year 1984	24,400,000		−24,400,000
Appropriated during 97th Cong., 2nd. sess. for fiscal year 1985		130,000,000	+130,000,000
Legislative acts: [2]			
Federal funds		[2] 1,000,000	+1,000,000
Trust funds	[2] 3,450,000,000	[2] 31,000,000	−3,419,000,000
Permanent appropriations:			
Federal funds	3,179,860,000	3,329,811,000	+149,951,000
(Authority to borrow)	*(629,210,000)*	*(454,111,000)*	*(−175,099,000)*
Trust funds	8,770,706,000	9,204,743,000	+434,037,000
Total, General Government *(net)*	22,570,444,569	20,309,627,945	−2,260,816,624
General Services Administration:			
Regular annual and supplemental acts	477,835,000	496,238,000	+18,403,000
Permanent appropriations:			
Federal funds	7,400,000	7,600,000	+200,000
Trust funds	184,000	184,000	
Total, General Services Administration	485,419,000	504,022,000	+18,603,000

See footnotes at end of table, p. 1806.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Department of Health and Human Services:			
Regular annual, supplemental and continuing acts:			
Food and Drug Administration	$407,794,000	$411,144,000	+$3,350,000
Health Resources and Services Administration	2,236,868,000	2,388,825,000	+151,957,000
Center for Disease Control	376,254,000	410,530,000	+34,276,000
National Institutes of Health	4,494,514,000	5,149,459,000	+654,945,000
Alcohol, Drug Abuse and Mental Health Administration	915,759,000	973,716,000	+57,957,000
Assistant Secretary for Health	187,349,000	180,392,000	−6,957,000
Health Care Financing Administration	33,340,308,000	35,141,638,000	+1,801,330,000
Social Security Administration	19,003,123,000	19,680,115,000	+676,992,000
Human Development Services Administration	5,881,720,000	6,051,251,000	+169,531,000
Departmental Management	276,082,000	216,087,000	−59,995,000
Total, regular annual, supplemental and continuing acts	[3]67,119,771,000	[4]70,603,157,000	+3,483,386,000
Appropriated during 97th Cong., 2nd. sess. for fiscal year 1984	6,951,600,000		−6,951,600,000
Appropriated during 98th Cong., 1st. sess. for fiscal year 1985		7,772,000,000	+7,772,000,000
Legislative acts: Trust funds[2]	[2]13,480,000,000	[2]46,000,000	−13,434,000,000
Permanent appropriations:			
Federal funds	4,114,450,000	3,653,450,000	−461,000,000
Trust funds	246,324,539,000	276,943,552,000	+30,619,013,000
Total, Department of Health and Human Services	337,990,360,000	359,018,159,000	+21,027,799,000
Department of Housing and Urban Development:			
Regular annual, supplemental and continuing acts	16,406,617,000	17,330,907,775	+924,290,775
Rescission	−3,212,167,000	−4,753,547,000	−1,541,380,000
Total, regular annual, supplemental and continuing acts *(net)*	13,194,450,000	12,577,360,775	−617,089,225
Permanent appropriations:			
Federal funds	190,225,000	253,447,000	+63,222,000
(Contract authority)	*(19,398,000)*	*(22,300,000)*	*(+2,902,000)*
(Authority to borrow)	*(164,595,000)*	*(223,895,000)*	*(+59,300,000)*
Total, Department of Housing and Urban Development *(net)*	13,384,675,000	12,830,807,775	−553,867,225
Department of the Interior:			
Regular annual and supplemental acts:			
Bureau of Reclamation	963,416,000	1,052,709,000	+89,293,000
Bureau of Land Management	594,862,000	577,327,000	−17,535,000
United States Fish and Wildlife Service	376,022,000	419,565,000	+43,543,000
National Park Service	941,149,000	918,834,000	−22,315,000
Rescission	−30,000,000		+30,000,000
Geological Survey	384,322,000	412,251,000	+27,929,000
Minerals Management Service	164,625,000	163,482,000	−1,143,000
Bureau of Mines	136,425,000	135,959,000	−466,000
Office of Surface Mining Reclamation and Enforcement	341,923,000	372,033,000	+30,110,000
Bureau of Indian Affairs	1,020,593,000	1,057,738,000	+37,145,000
Territorial and International Affairs	195,865,000	174,352,000	−21,513,000
Departmental Offices	87,915,000	84,373,000	−3,542,000
Total, regular annual and supplemental acts *(net)*	5,177,117,000	5,368,623,000	+191,506,000

See footnotes at end of table, p. 1806.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985—Continued

[NOTE—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Department of the Interior—Continued:			
Legislative acts: Trust funds [2]	[2] $14,000,000	[2] $15,000,000	+$1,000,000
Permanent appropriations:			
Federal funds	1,081,146,000	977,430,000	−103,716,000
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
(Authority to borrow)	*(15,500,000)*	*(1,300,000)*	*(−14,200,000)*
Trust funds	446,613,000	483,687,000	+37,074,000
Total, Department of the Interior *(net)*	6,718,876,000	6,844,740,000	+125,864,000
The Judiciary:			
Regular annual and supplemental acts	891,265,000	977,903,000	+86,638,000
Permanent appropriations: Trust funds	12,364,000	13,291,000	+927,000
Total, The Judiciary	903,629,000	991,194,000	+87,565,000
Department of Justice:			
Regular annual and supplemental acts	3,458,645,000	3,692,713,000	+234,068,000
Legislative acts: Federal funds [2]		[2] 50,000,000	+50,000,000
Total, Department of Justice	3,458,645,000	3,742,713,000	+284,068,000
Department of Labor:			
Regular annual and supplemental acts	16,100,481,000	6,340,645,000	−9,759,836,000
Legislative acts: Trust funds [2]	[2] 3,822,000,000	[2] 1,000,000	−3,821,000,000
Permanent appropriations: Trust funds	28,146,010,000	27,762,010,000	−384,000,000
Total, Department of Labor	48,068,491,000	34,103,655,000	−13,964,836,000
Legislative Branch:			
Regular annual and supplemental acts	1,645,702,600	1,550,459,038	−95,243,562
Rescission		−72,000	−72,000
Total, regular annual and supplemental acts *(net)*	1,645,702,600	1,550,387,038	−95,315,562
Permanent appropriations:			
Federal funds	96,559,000	98,586,000	+2,027,000
Trust funds	7,162,000	7,444,000	+282,000
Total, Legislative Branch *(net)*	1,749,423,600	1,656,417,038	−93,006,562
National Aeronautics and Space Administration:			
Regular annual and supplemental acts	7,228,082,000	7,491,400,000	+263,318,000
Office of Personnel Management: [5]			
Regular annual, supplemental and continuing acts	5,759,956,000	5,815,074,000	+55,118,000
Permanent appropriations:			
Federal funds	11,530,317,000	11,986,683,000	+456,366,000
Trust funds	36,045,020,000	38,473,478,000	+2,428,458,000
Total, Office of Personnel Management	53,335,293,000	56,275,235,000	+2,939,942,000

See footnotes at end of table, p. 1806.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Postal Service:			
Regular annual act	$879,000,000	$1,040,509,000	+$161,509,000
Department of State:			
Regular annual, supplemental and continuing acts	2,484,436,000	2,772,990,200	+288,554,200
Permanent appropriations:			
Federal funds	223,850,000	222,175,000	−1,675,000
Trust funds	585,430,000	599,860,000	+14,430,000
Total, Department of State	3,293,716,000	3,595,025,200	+301,309,200
Department of Transportation:			
Regular annual, supplemental and continuing acts:			
Office of the Secretary	46,153,000	55,700,000	+9,547,000
Coast Guard	2,463,197,456	2,506,130,139	+42,932,683
Federal Aviation Administration	3,656,909,000	4,373,431,500	+716,522,500
Federal Highway Administration	75,590,000	89,466,000	+13,876,000
National Highway Traffic Safety Administration	78,300,000	82,350,000	+4,050,000
Federal Railroad Administration	1,085,024,000	802,286,000	−282,738,000
Urban Mass Transportation Administration	3,017,992,200	3,031,500,000	+13,507,800
Research and Special Programs Administration	20,200,000	18,900,000	−1,300,000
Office of the Inspector General	26,795,000	27,900,000	+1,105,000
Maritime Administration	95,668,000	80,367,000	−15,301,000
Total, regular annual, supplemental and continuing acts	10,565,828,656	11,068,030,639	+502,201,983
Legislative acts: Trust funds [2]		[2] 27,000,000	+27,000,000
Permanent appropriations:			
Federal funds	404,500,000	429,750,000	+25,250,000
(Contract authority)	*(397,500,000)*	*(422,750,000)*	*(+25,250,000)*
Trust funds	16,318,187,000	16,899,023,000	+580,836,000
(Contract authority)	*(16,307,965,000)*	*(16,889,723,000)*	*(+581,758,000)*
Total, Department of Transportation	27,288,515,656	28,423,803,639	+1,135,287,983
Department of the Treasury:			
Regular annual, supplemental and continuing acts	9,579,797,000	9,809,313,753	+229,516,753
Private appropriation acts	200,698		−200,698
Legislative acts: [2]			
Federal funds	[2] 9,000,000	[2] 9,000,000	
Trust funds	[2] 4,567,000,000		−4,567,000,000
Permanent appropriations:			
Federal funds	154,109,183,000	168,595,175,000	+14,485,992,000
Trust funds	4,572,725,000	4,573,225,000	+500,000
Total, Department of the Treasury	172,837,905,698	182,986,713,753	+10,148,808,055
Veterans Administration:			
Regular annual, supplemental and continuing acts	25,634,392,000	26,062,008,000	+427,616,000
Permanent appropriations: Trust funds	1,465,500,000	1,525,600,000	+60,100,000
Total, Veterans Administration	27,099,892,000	27,587,608,000	+487,716,000

See footnotes at end of table, p. 1806

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1984 AND 1985—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 4 "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1984—98th Cong., 1st sess. 98th Cong., 2d sess.	Fiscal year 1985—98th Cong., 2d sess.	Increase (+) or decrease (−), 1985 compared with 1984
Grand Total:			
Regular annual, supplemental and continuing acts	$530,119,943,837	$552,129,896,986	+$22,009,953,149
Rescissions	−3,416,542,000	−4,753,619,000	−1,337,077,000
Appropriated in fiscal 1982 and fiscal 1983 for fiscal year 1984	7,081,600,000		−7,081,600,000
Appropriated in fiscal 1983 and fiscal 1984 for fiscal year 1985		7,902,000,000	+7,902,000,000
Private appropriation acts	200,698		−200,698
Legislative acts:[2]			
Federal funds	[2] 23,000,000	[2] 75,000,000	+52,000,000
Trust funds	[2] 25,319,000,000	[2] 135,000,000	−25,184,000,000
Permanent appropriations:			
Federal Funds	179,691,060,000	202,168,366,000	+22,477,306,000
(Contract authority)	*(446,898,000)*	*(475,050,000)*	*(+28,152,000)*
(Authority to borrow)	*(2,386,086,000)*	*(979,737,000)*	*(−1,406,349,000)*
Trust funds	355,717,220,000	417,186,025,000	+61,468,805,000
(Contract authority)	*(28,907,965,000)*	*(29,889,723,000)*	*(+981,758,000)*
Net total	1,094,535,482,535	1,174,842,668,986	+80,307,186,451
Less:			
Adjustments for interfund and intragovernmental transactions (see par. 4, "Compilers' Notes", p. IV)	−149,603,300,000	−183,164,276,000	−33,560,976,000
Appropriated in fiscal 1982 and fiscal 1983 for fiscal year 1984	−7,081,600,000		+7,081,600,000
Appropriated in fiscal 1983 and fiscal 1984 for fiscal year 1985		−7,902,000,000	−7,902,000,000
Net total	937,850,582,535	983,776,392,986	+45,925,810,451

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[1] Excludes $8,698,269,000 for the Commodity Credit Corporation shown in President's budget as "permanent Federal funds" but reflected in this document as a "direct appropriation" of $8,350,000,000 (see pp. 83 and 1866, this volume).

[2] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[3] Excludes $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services (see footnote 7 on p. 1129, 1983-1984 volume, for accounts involved).

[4] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905, this volume, for accounts involved).

[5] Shown under "General Government" in previous volumes.

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note —Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS		*1984*		*1984*	
Agriculture, rural development, and related agencies:[1]					
Agricultural programs	$11,076,066,000	May 30 (98-809)	$10,896,438,000	June 6	$10,896,438,000
Rural development programs	4,628,316,000	do	4,891,187,000	do	4,891,187,000
Domestic food programs	14,651,841,000	do	14,674,469,000	do	14,674,469,000
International programs	1,442,365,000	do	1,292,865,000	do	1,292,865,000
Related agencies	421,296,000	do	426,986,000	do	426,986,000
General provisions		do		do	–321,819,450
Total	32,219,884,000		32,181,945,000		31,860,125,550
Departments of Commerce, Justice, and State, the Judiciary, and related agencies:					
Department of Commerce and related agencies	1,624,040,000	May 23 (98-802)	2,191,961,000	May 31	1,911,677,000
(Appropriations to liquidate contract authorizations)		do		do	
Department of Justice and related agencies	3,673,852,000	do	3,738,763,000	do	3,738,763,000
Department of State and related agencies	2,338,951,000	do	2,311,111,000	do	2,311,111,000
The Judiciary	1,023,521,000	do	985,097,000	do	985,097,000
Related agencies	2,470,579,000	do	2,663,334,000	do	2,241,570,000
(Appropriations to liquidate contract authorizations)	*(377,750,000)*	do	*(377,750,000)*	do	*(377,750,000)*
General provisions		do		do	–438,653,600
Total	11,130,943,000		11,890,266,000		10,749,564,400
Department of Defense:[2]					
Military personnel	67,831,600,000	Sept. 26 (98-1086)	66,989,691,000		
Operation and maintenance	80,927,042,000	do	76,599,129,000		
Procurement	107,586,341,000	do	93,167,871,000		
(Transfer from other accounts)		do			
Research, development, test, and evaluation	33,985,037,000	do	29,779,538,000		
Special foreign currency program	8,650,000	do	8,650,000		
Revolving and management funds	1,762,056,000	do	1,627,156,000		
(Transfer from other accounts)		do	*(1,771,800,000)*		
Related agencies	121,097,000	do	119,597,000		
General provisions *(Sec. 8025)*	*(1,200,000,000)*	do	*(1,200,000,000)*		
Total	292,221,823,000		268,291,632,000		
District of Columbia:[3]					
Federal payment to the District of Columbia	503,470,000	June 20 (98-231)	639,470,000	June 28	639,470,000
(Out of District revenues)	*(2,302,962,000)*	do	*(2,317,875,000)*	do	*(2,317,875,000)*
Energy and water development:					
Department of Defense—Civil	2,716,000,000	May 15 (98-755)	2,873,857,000	May 22	2,873,857,000
Department of the Interior	1,076,931,000	do	1,025,026,000	do	1,025,026,000
Department of Energy	11,417,500,000	do	10,846,412,000	do	10,846,412,000
Independent agencies	664,360,000	do	725,430,000	do	725,430,000
Total	15,874,791,000		15,470,725,000		15,470,725,000
Foreign assistance and related programs:[4]					
Multilateral Economic Assistance	1,789,973,226	Sept. 13 (98-1021)	1,824,285,056		
Bilateral Economic Assistance	6,291,633,000	do	6,544,826,250		
Military Assistance	6,359,410,000	do	5,617,632,000		
Export-Import Bank of the United States	3,830,000,000	do	3,865,000,000		
Adjustment		do			
Total	18,271,016,226		17,851,743,306		

See footnotes at end of table, pp. 1814-1815.

SUPPLEMENTAL APPROPRIATION BILLS, 98TH CONG., 2D SESS.

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. III.)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1984		*1984*		*1984*			
$11,076,066,000	July 26 (98-566)	$11,156,108,710	Aug. 10	$11,158,253,710		$10,811,004,000	H.R. 5743	(1)
4,628,316,000	do	4,842,834,000	do	4,842,834,000		4,872,335,000		
14,651,841,000	do	15,545,208,000	do	15,574,208,000		15,572,608,000		
1,442,365,000	do	1,443,865,000	do	1,443,865,000		1,443,486,000		
421,296,000	do	426,886,000	do	426,886,000		426,886,000		
	do		do					
32,219,884,000		33,414,901,710		33,446,046,710		33,126,319,000		
2,632,865,000	June 13 (98-514)	3,153,677,000	June 28	3,154,427,000	Aug. 30	3,253,313,000	H.R. 5712	98-411
(377,750,000)	do	*(377,750,000)*	do	*(377,750,000)*	do	*(377,750,000)*		
4,173,007,000	do	4,147,016,000	do	4,147,016,000	do	4,171,215,000		
3,346,491,000	do	3,187,554,000	do	3,156,651,200	do	3,147,045,200		
1,023,521,000	do	983,741,000	do	983,741,000	do	977,903,000		
	do		do		do			
	do		do		do			
	do		do		do			
11,175,884,000		11,471,988,000		11,441,835,200		11,549,476,200		
67,831,600,000	Sept. 26 (98-636)	67,015,104,000				66,895,639,000	H.R. 6329 S. 3026	(2)
80,927,042,000	do	78,200,077,000				77,521,356,000		
107,586,341,000	do	99,314,304,000				97,111,404,000		
	do	*(780,000,000)*						
33,985,037,000	do	31,881,467,000				31,187,071,000		
8,650,000	do	8,650,000				8,650,000		
1,762,056,000	do	1,553,656,000				1,553,956,000		
	do	*(500,000,000)*						
121,097,000	do	121,097,000				120,097,000		
(1,200,000,000)	do	*(1,200,000,000)*				*(1,200,000,000)*		
292,221,823,000		278,094,355,000				274,398,173,000		
503,470,000	Aug. 1 (98-568)	533,343,000	Aug. 10	533,343,000		533,343,000	H.R. 5899	(3)
(2,341,962,000)	do	*(2,363,386,000)*	do	*(2,363,386,000)*		*(2,363,128,000)*		
2,716,000,000	June 5 (98-502)	2,763,426,000	June 21	2,763,426,000	July 16	2,791,000,000	H.R. 5653	98-360
1,076,931,000	do	1,057,996,000	do	1,057,996,000	do	1,052,709,000		
11,417,500,000	do	10,855,581,000	do	10,808,455,000	do	10,807,228,000		
664,360,000	do	694,130,000	do	694,130,000	do	720,422,000		
15,874,791,000		15,371,133,000		15,324,007,000		15,371,359,000		
1,470,359,056	June 26 (98-531)	1,510,173,056				1,670,119,386	H.R. 6237 S. 2793	(4)
6,291,633,000	do	6,582,887,000				6,745,426,250		
6,359,410,000	do	6,351,910,000				5,909,821,000		
3,830,000,000	do	3,415,000,000				3,865,000,000		
−4,059,000,000	do	−4,059,000,000						
13,892,402,056		13,800,970,056				18,190,366,636		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1984*		*1984*	
Department of Housing and Urban Development—Independent agencies:					
Department of Housing and Urban Development	$12,281,518,000	May 23 (98-803)	$16,031,208,500	May 30	$16,031,208,500
Rescission of contract authority *(indefinite)*	-1,998,834,000	do	-1,998,834,000	do	-1,998,834,000
(Appropriations to liquidate contract authorizations)	*(11,663,000,000)*	do	*(11,663,000,000)*	do	*(11,663,000,000)*
Independent agencies	44,385,814,000	do	44,404,122,300	do	44,404,122,000
Corporations *(limitations on administrative expenses)*	*(68,908,000)*	do	*(68,908,000)*	do	*(68,908,000)*
Total *(net)*	54,668,498,000		58,436,496,500		58,436,496,500
Department of the Interior and related agencies:[5]					
Department of the Interior	3,982,588,000	June 29 (98-886)	4,341,839,000	Aug. 2	4,342,164,000
(Appropriations to liquidate contract authorizations)		do		do	
Related agencies	3,696,748,000	do	4,167,657,000	do	4,170,982,000
Rescission		do		do	-5,226,290,000
General provisions		do		do	-252,991,000
Total *(net)*	7,679,336,000		8,509,496,000		3,033,865,000
Departments of Labor, Health and Human Services, and Education, and Related Agencies:					
Department of Labor	5,825,171,000	July 26 (98-911)	6,124,701,000	Aug. 1	6,124,701,000
Department of Health and Human Services	71,006,479,000	do	72,043,305,000	do	72,044,400,000
Department of Education and Special Institutions	14,851,878,000	do	17,191,262,000	do	17,191,262,000
Related agencies	755,512,000	do	788,177,000	do	788,177,000
Total	92,439,040,000		96,147,445,000		96,148,540,000
Legislative branch:					
Congressional operations	735,008,000	May 31 (98-811)	729,282,000	June 6	729,282,000
Rescission		do	-914,000	do	-914,000
Other agencies	567,992,000	do	544,541,000	do	544,541,000
General provisions		do		do	-25,476,457
Total *(net)*	1,303,000,000		1,272,909,000		1,247,432,543
Military construction[7]	10,318,200,000	June 20 (98-850)	8,284,221,000	June 28	8,283,321,000
General provisions		do		do	-24,849,963
Total	10,318,200,000		8,284,221,000		8,258,471,037
Department of Transportation and related agencies:[8]					
Department of Transportation	*(11,145,857,639)*	June 11 (98-833)	*(11,162,646,639)*		
(Appropriations to liquidate contract authorizations)	*(14,211,750,000)*	do	*(14,194,500,000)*		
Related agencies	*(637,978,945)*	do	*(621,125,945)*		
Total	*(11,783,836,584)*		*(11,783,772,584)*		
Department of Transportation and related agencies:[9]					
Department of Transportation	11,145,857,639	June 22 (98-859)	11,162,646,639		
(Appropriations to liquidate contract authorizations)	*(14,211,750,000)*	do	*(14,194,500,000)*		
Related agencies	637,978,945	do	621,125,945		
Total	11,783,836,584		11,783,772,584		

See footnotes at end of table, pp. 1814-1815.

SUPPLEMENTAL APPROPRIATION BILLS, 98TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. III.)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1984		*1984*		*1984*			
$12,281,518,000	June 7 (98-506)	$16,465,976,000	June 21	$16,672,120,000	July 18	$16,935,207,775	H.R. 5713	98-371
−1,998,834,000	do	−4,753,547,000	do	−4,753,547,000	do	−4,753,547,000		
(11,663,000,000)	do	*(11,663,000,000)*	do	*(11,663,000,000)*	do	*(11,663,000,000)*		
44,385,814,000	do	44,371,450,000	do	44,371,350,000	do	44,361,639,000		
(68,908,000)	do	*(68,908,000)*	do	*(68,908,000)*	do	*(68,908,000)*		
54,668,498,000		56,083,879,000		56,289,923,000		56,543,299,775		
3,988,924,000	Aug. 6 (98-578)	4,330,225,000				4,320,814,000	H.R. 5973	(5)
	do	*(28,000,000)*				*(28,000,000)*		
4,085,174,000	do	4,037,953,000				3,802,519,000		
	do	−226,348,000				−5,375,000,000		
	do							
8,074,098,000		8,141,830,000				2,748,333,000		
6,142,471,000	June 29 (98-544)	6,351,379,000	Sept. 25	6,352,979,000	Nov. 8	6,340,645,000	H.R. 6028 S. 2836	98-619
76,905,808,000	do	80,828,473,000	do	80,924,801,000	do	[6] 79,630,793,000		
15,408,508,000	do	17,199,654,000	do	17,595,154,000	do	17,851,556,000		
855,512,000	do	1,030,689,000	do	1,030,689,000	do	991,899,000		
99,312,299,000		105,410,195,000		105,903,623,000		104,814,893,000		
1,029,434,000	June 14 (98-515)	1,020,662,898	June 21	1,020,662,898	July 17	1,020,310,038	H.R. 5753	98-367
	do	−914,000	do	−914,000	do	−914,000		
567,992,000	do	531,619,000	do	531,619,000	do	531,619,000		
	do		do		do			
1,597,426,000		1,551,367,898		1,551,367,898		1,551,015,038		
10,318,200,000	July 26 (98-567)	8,505,958,000				8,405,206,000	H.R. 5898	(7)
	do							
10,318,200,000		8,505,958,000				8,405,206,000		
							H.R. 5813	(8)
11,145,857,639	July 17 (98-561)	11,046,509,639				10,973,663,639	H.R. 5921 S. 2852	(9)
(14,211,750,000)	do	*(14,204,750,000)*				*(14,203,625,000)*		
637,978,945	do	611,721,945				607,421,945		
11,783,836,584		11,658,231,584				11,581,085,584		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1984*		*1984*	
Treasury, Postal Service, and General Government[10]					
Department of the Treasury	$5,158,693,000	June 7 (98-830)	$5,247,293,000	June 27	$4,503,830,000
Postal Service	691,556,000	do	1,040,509,000	do	1,040,509,000
Executive Office of the President	100,695,000	do	100,695,000	do	95,798,000
Independent agencies	6,398,743,000	do	6,393,195,000	do	6,375,847,900
General provisions		do		do	−119,397,199
Total	12,349,687,000		12,781,692,000		11,896,587,701
Total, regular annual appropriation acts *(net)*	560,763,524,810		543,541,813,390		237,741,277,731
(Appropriations to liquidate contract authorizations)	*(26,252,500,000)*		*(26,235,250,000)*		*(12,040,750,000)*
SUPPLEMENTAL APPROPRIATION ACTS					
Urgent Supplemental, Department of Health and Human Services, 1984	200,000,000	Feb. 29 (98-605)	200,000,000	Mar. 6	200,000,000
Urgent Supplemental, Department of Agriculture, 1984	90,000,000	Feb. 29 (98-604)	150,000,000	Mar. 6	150,000,000
Urgent Supplemental, Department of Housing and Urban Development, 1984	*(615,000,000)*	Mar. 21 (98-630)	*(615,000,000)*	Mar. 29	*(615,000,000)*
Supplemental, 1984	527,544,000	May 2 (98-729)	627,544,000		
Supplemental Appropriations Act, 1984	6,654,633,170	July 27 (98-916)	5,779,341,400	Aug. 1	5,794,341,400
Rescission of contract authority *(indefinite)*	−354,270,000	do	−384,270,000	do	−384,270,000
Rescissions	*(−25,375,000)*	do	−25,447,000	do	−25,447,000
Total, *(net)*	6,300,363,170		5,369,624,400		5,384,624,400
Total, supplemental appropriation acts *(net)*	7,117,907,170		6,347,168,400		5,734,624,400
CONTINUING APPROPRIATIONS					
Continuing Appropriations, 1985:					
Agriculture, rural development, and related agencies[11]	*(32,219,884,000)*	Sept. 17 (98-1030)	*(31,811,425,550)*	Sept. 25	*(31,811,425,550)*
District of Columbia[11]	*(503,470,000)*	do	*(639,470,000)*	do	*(639,470,000)*
Department of the Interior and related agencies *(net)*[11]	*(7,679,336,000)*	do	*(3,033,865,000)*	do	*(3,033,865,000)*
Departments of Labor, Health and Human Services, and Education, and related agencies[11]	*(99,685,346,000)*	do	*(96,148,540,000)*	do	*(96,148,540,000)*
United States Institute of Peace		do		do	
Department of Health and Human Services		do		do	
Military Construction[11]	*(10,318,200,000)*	do	*(8,258,471,037)*	do	*(8,258,471,037)*
Foreign assistance and related programs[11]	*(18,271,016,226)*	do	*(17,851,743,306)*	do	*(17,572,008,440)*
Department of Defense[11]	*(292,221,823,000)*	do	*(268,291,632,000)*	do	*(268,291,632,000)*
Department of Transportation and related agencies[11]	*(11,783,836,584)*	do	*(10,751,999,601)*	do	*(10,751,999,601)*
Treasury, Postal Service, and general government[11]	*(12,349,687,000)*	do	*(12,766,276,000)*	do	*(12,766,276,000)*
Department of Health and Human Services	373,047,000	do	484,615,000	do	484,615,000
Department of Education			44,767,000	do	44,767,000
Environmental Protection Agency					
Veterans Administration					
Department of Housing and Urban Development					
Department of State					
General Services Administration					
Department of the Treasury					
Department of Transportation					
Department of Agriculture					
Department of Health and Human Services					
Commission on the Ukraine Famine					
Department of State					
Department of Health and Human Services					
Total	373,047,000		529,382,000		529,382,000

See footnotes at end of table, pp. 1814-1815.

SUPPLEMENTAL APPROPRIATION BILLS, 98TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. III.)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1984		*1984*		*1984*			
$5,158,693,000	July 17 (98-562)	$5,203,481,000	July 25	$5,203,481,000		$5,234,224,000	H.R. 5798 S. 2853	[10]
691,556,000	do	1,040,509,000	do	1,040,509,000		1,040,509,000		
100,695,000	do	99,690,000	do	99,690,000		99,190,000		
6,398,743,000	do	6,394,972,000	do	6,394,972,000		6,392,353,000		
	do		do					
12,349,687,000		12,738,652,000		12,738,652,000		12,766,276,000		
563,992,298,640		556,776,804,248		237,228,797,808		551,579,145,233		
(26,252,500,000)		*(26,273,500,000)*		*(12,040,750,000)*		*(26,272,375,000)*		
290,000,000	Mar. 8	200,000,000	Mar. 15	280,000,000	Mar. 30	290,000,000	H.J. Res. 493	98-248
1,161,280,000	Mar. 14 (98-365)	1,109,294,000	Apr. 5	1,425,105,000	July 2	1,123,705,000	H.J. Res. 492	98-332
							H.J. Res. 517	
							H.R. 5564	
6,696,319,170	Aug. 2 (98-570)	7,268,298,570	Aug. 8	7,394,145,070	Aug. 22	6,586,462,000	H.R. 6040	98-396
−354,270,000	do	−384,270,000	do	−384,270,000	do	−384,270,000		
(−25,375,000)	do	−26,647,000	do	−26,647,000	do	−25,447,000		
6,342,049,170		6,857,381,570		6,983,228,070		6,176,745,000		
7,793,329,170		8,166,675,570		8,688,333,070		7,590,450,000		
(32,219,884,000)	Sept. 25 (98-634)	*(32,233,680,000)*	Oct. 4	*(32,233,680,000)*	Oct. 12	*(33,126,319,000)*	H.J. Res. 648 S.J. Res. 356	98-473
(503,470,000)	do	*(533,343,000)*	do	*(533,343,000)*	do	*(533,343,000)*		
(8,074,098,000)	do	*(8,141,830,000)*	do	*(8,141,830,000)*	do	*(2,748,333,000)*		
(99,685,346,000)	do	*(105,903,623,000)*	do	*(105,903,623,000)*	do	*(104,814,893,000)*		
	do		do	4,000,000	do	4,000,000		
	do		do	16,400,000	do	6,000,000		
(10,318,200,000)	do	*(8,535,964,000)*	do	*(8,535,964,000)*	do	*(8,405,206,000)*		
(13,892,402,056)	do	*(18,455,770,056)*	do	*(18,455,770,056)*	do	*(18,190,366,636)*		
(292,221,823,000)	do	*(278,094,355,000)*	do	*(278,110,455,000)*	do	*(274,398,173,000)*		
(11,783,836,584)	do	*(11,658,231,584)*	do	*(11,658,231,584)*	do	*(11,581,085,584)*		
(12,349,687,000)	do	*(12,766,276,000)*	do	*(12,766,276,000)*	do	*(12,766,276,000)*		
373,047,000	do	553,294,000	do	553,294,000	do	523,531,000		
	do	500,000	do	500,000	do	40,000,000		
	do		do	13,000,000	do	13,000,000		
306,600,000	do		do	306,600,000	do	306,600,000		
	do		do	395,700,000	do	395,700,000		
	do	6,500,000	do	6,500,000	do	6,500,000		
	do	*(3,611,000)*	do	*(3,611,000)*	do	*(3,611,000)*		
	do	448,753	do	448,753	do	448,753		
	do	14,000,000	do	14,000,000	do	14,000,000		
	do	1,000,000	do	1,000,000	do	1,000,000		
8,350,000	do	8,350,000	do	11,550,000	do	11,550,000		
	do		do	400,000	do	400,000		
110,200,000	do	110,200,000	do	110,200,000	do	110,200,000		
	do	25,000,000	do	25,000,000	do	25,000,000		
798,197,000		719,292,753		1,458,592,753		1,457,929,753		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
CONTINUING APPROPRIATIONS—Continued		*1984*		*1984*	
Further Continuing Appropriations, 1985				Oct. 1	
Further Continuing Appropriations, 1985				Oct. 4	
Further Continuing Appropriations, 1985				Oct. 5	
Further Continuing Appropriations, 1985				Oct. 9	
Total, continuing appropriations	$373,047,000		$529,382,000		$529,382,000
DEFERRALS [12]					
Urgent Supplemental for Agriculture, 1984					
RECAPITULATION					
Grand total:					
New budget *(obligational)* authority *(net)*	568,254,478,980		550,418,363,790		[13] 244,005,284,131
Appropriations	(570,607,582,980)		(552,827,828,790)		(251,641,039,131)
Rescissions of contract authority *(indefinite)*	(−2,353,104,000)		(−2,383,104,000)		(−2,383,104,000)
Rescissions of unobligated balances	*(−25,375,000)*		(−26,361,000)		(−5,252,651,000)
(Appropriations to liquidate contract authorizations)	*(26,252,500,000)*		*(26,235,250,000)*		*(12,040,750,000)*

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[1] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 73, this volume).

[2] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 131, this volume).

[3] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 133, this volume).

[4] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 165, this volume).

[5] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 193, this volume).

[6] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905 this volume, for accounts involved).

[7] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 243, this volume).

[8] This bill (H.R. 5813) was superseded by H.R. 5921 below.

SUPPLEMENTAL APPROPRIATION BILLS, 98TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. III.)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1984		*1984*		*1984*			
....	....	....	Oct. 1	....	Oct. 3	....	H.J. Res. 653	98-441
....		....	Oct. 4	....	Oct. 5	....	H.J. Res. 656	98-453
....		....	Oct. 5	....	Oct. 6	....	H.J. Res. 659	98-455
....		....	Oct. 9	....	Oct. 10	....	H.J. Res. 663	98-461
$798,197,000	....	$719,292,753	....	$1,458,592,753	....	$1,457,929,753		
....	Mar. 14 (98-365)	*(14,000,000)*	Apr. 5	*(14,000,000)*	July 2	*(14,000,000)*	H.J. Res. 492	98-332
572,583,824,810	....	565,662,772,571	....	[14] 247,375,723,631	....	[8] 560,627,524,986		
(574,936,928,810)	....	(571,054,498,571)	....	(252,541,101,631)	....	(571,166,702,986)		
(−2,353,104,000)	....	(−5,137,817,000)	....	(−5,137,817,000)	....	(−5,137,817,000)		
(−25,375,000)	....	(−253,909,000)	....	(−27,561,000)	....	(−5,401,361,000)		
(26,252,500,000)	....	*(26,273,500,000)*	....	*(12,040,750,000)*	....	*(26,272,375,000)*		

[9] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 245, this volume).

[10] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. (See "Note" on p. 247, this volume).

[11] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[12] See pp. 617-624 and pp. 625-628A for status reports on rescissions and deferrals. Deferrals that took effect because no action was taken by the Congress are not shown on this table.

[13] Excludes estimates for three appropriation bills; Transportation, Foreign Assistance, and Defense, which did not pass the House except as part of the Continuing Resolution (P.L. 98-473).

[14] Excludes five appropriation bills; Transportation, Interior, Foreign Assistance, Military Construction, and Defense, which did not pass the Senate except as part of the Continuing Resolution (P.L. 98-473).

NOTE.—The President's Budget for 1985 submitted February 1, 1984 (H. Doc. 98-138), tentatively estimated total new budget (obligational) authority for fiscal year 1985 at $1.07 trillion net ($1,189.7 billion gross, including $183.2 billion in intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget purposes only). An estimated $628.9 billion does not require action by Congress. This amount includes permanent appropriations such as interest on the public debt and various trust funds for which the obligational authority is already provided in the basic law. Virtually all of the remaining $560.8 billion is for consideration at this session of Congress in the appropriations bills. Approximately $9.3 billion of the $560.8 billion was shown in the February budget as being "for later transmittal" for supplemental requirements under present law, new legislation, allowances, and for contingencies and civilian pay raises.

VI. COMPARISON OF BUDGET ESTIMATES AND LOAN AND BORROWING AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 98TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Loan and borrowing authorizations, fiscal year 1985 and prior years	Increase (+) or decrease (−), authorizations compared with estimates
REGULAR ANNUAL ACTS			
FOREIGN ASSISTANCE AND RELATED PROGRAMS			
Export-Import Bank of the United States	[1] $3,830,000,000	$3,865,000,000	+$35,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund	498,318,000	598,318,000	+100,000,000
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Special acquisition of lands and minerals	10,000,000	14,700,000	+4,700,000
Total, regular annual acts	4,338,318,000	4,478,018,000	+139,700,000
SUPPLEMENTAL ACTS			
SECOND SUPPLEMENTAL APPROPRIATIONS, 1984			
DEPARTMENT OF AGRICULTURE			
Federal Crop Insurance Corporation	100,000,000		−100,000,000
Grand total, loan and borrowing authority	4,438,318,000	4,478,018,000	+39,700,000

[1] President's Budget for fiscal year 1985 (H. Doc. 98-138) requested $3,912,951,000 for this account.

VIa. COMPARISON OF BUDGET ESTIMATES AND CONTRACT AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 98TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Contract authorizations, fiscal year 1985, and prior years	Increase (+) or decrease (−), contract authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Annual contributions for assisted housing	$6,243,437,000	$10,759,482,775	+$4,516,045,775
Rescission of assisted housing deobligations *(indefinite)*		−2,754,713,000	−2,754,713,000
Rent supplement *(rescission)*	*(−1,834,074,000)*	−1,834,074,000	[1] −1,834,074,000
Rental housing assistance *(rescission)*	*(−164,760,000)*	−164,760,000	[1] −164,760,000
Total, regular acts *(net)*	6,243,437,000	6,005,935,775	−237,501,225
SUPPLEMENTAL ACTS			
SECOND SUPPLEMENTAL APPROPRIATIONS, 1984			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing		150,000,000	+150,000,000
Rental housing assistance *(rescission)*	*(−354,270,000)*	−354,270,000	[1] −354,270,000
Total, Department of Housing and Urban Development *(net)*		−204,270,000	−204,270,000
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Land and water conservation fund *(rescission)*		−30,000,000	−30,000,000
Total, supplemental acts *(net)*		−234,270,000	−234,270,000
Grand total, contract authority *(net)*	6,243,437,000	5,771,665,775	−471,771,225

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[1] Reflects actual rescission rather than comparison with request.

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 98TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY, AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies	$377,750,000	$377,750,000	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
MANAGEMENT AND ADMINISTRATION			
ADMINISTRATIVE PROVISION			
Housing payments *(permanent, indefinite)*	[1] 11,663,000,000	[1] 11,663,000,000	
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
NATIONAL PARK SERVICE			
Construction		28,000,000	+$28,000,000
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
COAST GUARD			
National recreational boating safety and facilities improvement fund	14,750,000	13,625,000	−1,125,000
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports *(Airport and Airway Trust Fund)*	810,000,000	810,000,000	
FEDERAL HIGHWAY ADMINISTRATION			
Highway-related safety grants *(trust fund)*	5,000,000	5,000,000	
Federal-aid highways *(trust fund)*	12,800,000,000	12,800,000,000	
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Highway traffic safety grants *(trust fund)*	132,000,000	125,000,000	−7,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Discretionary grants *(permanent)*	450,000,000	450,000,000	
Total, Department of Transportation and related agencies	14,211,750,000	14,203,625,000	−8,125,000
Grand total, appropriations to liquidate contract authorizations	26,252,500,000	26,272,375,000	+19,875,000

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[1] The President's budget proposed that "permanent indefinite appropriations" be enacted for each of the separate programs covered under the consolidated appropriation for housing payments (appropriations to liquidate contract authorizations). The enacted bill established such permanent indefinite appropriations (see p. 174, this volume).

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 98TH CONG.

Number of Public Law	Approval date	Title	Amount of Authorization
	1984	AGRICULTURE ACTS	
98-258	Apr. 10	Reducing 1984 and 1985 wheat target prices and setting forth a combined 1984 acreage reduction and land diversion program.	$1,018,000,000
98-273	May 7	Amending the Perishable Agricultural Commodities Act, 1930, by impressing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of the unpaid seller.	....
98-284	May 16	Extending and improving the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.	7,500,000
98-412	Aug. 30	Amending the Agriculture and Food Act of 1981, to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.	1,000,000
98-571	Oct. 30	Directing the Secretary of Agriculture to convey, for certain specified consideration, to the Sabine River Authority approximately 31,000 acres of land within the Sabine National Forest to be used for the purposes of the Toledo Bend Project, Louisiana and Texas.	–650,000
		BUDGET/RECONCILIATION ACTS	
98-270	Apr. 18	Providing for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for fiscal year 1984.	226,000,000 –6,000,000
98-369	July 18	Providing for certain spending reductions and revenue increases, and reducing deficits by including reconciliations and appropriations caps for the defense and nondefense discretionary spending for fiscal years 1985, 1986, and 1987.	–606,000,000
98-469	Oct. 11	Extending through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act remain effective.	–12,000,000
		COMMERCE ACTS	
98-237	Mar. 20	Improving the international ocean commerce transportation system of the United States.	500,000
98-364	July 17	Authorizing funds to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988.	17,400,000
98-395	Aug. 21	Amending the Small Business Act to extend and strengthen the Small Business Development Center Program.	30,000,000
98-445	Oct. 4	Implementing the Eastern Pacific Ocean Tuna Fishing Agreement signed in San Jose, Costa Rica, March 16, 1983.	....
98-498	Oct. 19	Authorizing funds for certain programs of the Marine Protection, Research, and Sanctuaries Act.	3,150,000
98-549	Oct. 30	Creating a jurisdictional framework to apportion the authority regulating cable systems between Federal and State governments, and providing for a competitive marketplace for cable systems in the telecommunications industry.	1,000,000
98-556	Oct. 30	Authorizing funds for certain maritime programs for FY 1985.	381,649,000
98-567	Oct. 30	Establishing an interagency committee and a technical study group on cigarette safety.	1,000,000
98-573	Oct. 30	Making certain changes in the tariff treatment of specified articles and granting duty-free treatment to specified articles.	738,988,000
98-595	Oct. 30	Improving certain maritime programs of the Department of Transportation and the Department of Commerce.	....
98-613	Oct. 31	Providing for the conservation and management of Atlantic striped bass.	1,040,000
98-623	Nov. 8	Approving the governing international fishery agreements with Iceland and the European Economic Community.	120,980,000
		DEFENSE ACTS	
98-407	Aug. 28	Authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.	9,133,908,000
98-525	Oct. 19	Authorizing funds for fiscal year 1985 for the Department of Defense.	211,530,500,000
98-600	Oct. 30	Amending the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone.	5,000,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 98TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1984	DEFENSE ACTS—Continued	
98-618	Nov. 8	Authorizing funds for FY 1985 for intelligence activities of the U.S. Government the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System.	$239,100,000
		DISTRICT OF COLUMBIA ACTS	
98-235	Mar. 19	Raising the retirement age for judges of the Superior Court of the District of Columbia Court of Appeals, and increasing the number of Superior Court judges in the District of Columbia.	....
98-315	June 12	Amending the District of Columbia Self-Government and Governmental Reorganization Act, extending the authority of the Mayor to accept certain interim loans from the United States and extending the authority of the Secretary of the Treasury to make such loans.	....
98-316	June 12	Amending the District of Columbia Self-Government and Governmental Reorganization Act, increasing the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.	39,000,000
98-598	Oct. 30	Establishing certain procedures regarding the judicial service of retired judges of District of Columbia courts.	....
98-621	Nov. 8	Providing for the assumption of selected functions, programs, and resources of St. Elizabeths Hospital by the District of Columbia, and providing for the establishment of a comprehensive mental health care system in the District of Columbia.	36,667,000
		EDUCATION ACTS	
98-306	May 31	Increasing the authorization of funds for the National Endowment for the Humanities, the National Endowment for the Arts, and for the Institute of Museum Services.	102,550,000
98-312	June 12	Amending title III of the Higher Education Act of 1965, permitting additional funds to be used to continue awards under certain multiyear grants.	3,000,000
98-377	Aug. 11	Authorizing funds for fiscal years 1984 and 1985 to upgrade instruction in mathematics, science, computer technology and foreign languages in the nation's institutions, and to provide assistance for employment-based vocational training programs.	681,000,000
98-392	Aug. 21	Authorizing funds for the American Folklife Center for fiscal years 1985 through 1989.	839,000
98-480	Oct. 17	Amending and extending the Library Services and Construction Act.	168,500,000
98-511	Oct. 19	Authorizing funds through fiscal year 1989 for vocational education assistance programs.	1,162,000,000
98-524	Oct. 19	Authorizing funds for Vocational Education assistance programs.	950,500,000
		ENVIRONMENTAL ACTS	
98-241	Mar. 22	Amending section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations.	93,543,000
98-242	Mar. 22	Authorizing an on-going program of water resources research.	36,000,000
98-313	June 12	Authorizing funds through fiscal year 1986 to assist Federal, State, and local environmental agencies in carrying out projects of pollution prevention, abatement, and control.	Indefinite
98-553	Oct. 30	Authorizing funds to the Nuclear Regulatory Commission, in accordance with section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974.	460,000,000
98-581	Oct. 31	Authorizing appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985 and 1986.	480,000
98-616	Nov. 8	Authorizing funds and revising certain provisions for hazardous waste control and enforcement under the Solid Waste Disposal Act.	233,740,000
		FOREIGN OPERATIONS ACT	
98-266	Apr. 17	Authorizing funds for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.	10,000,000
		GENERAL GOVERNMENT ACTS	
98-216	Feb. 14	Amending title 31 (money and finance) and title 49 (transportation) of the United States Code to reflect changes in those titles by laws that did not specifically amend such titles.	....
98-236	Mar. 20	Authorizing additional funds to carry out the provisions of the Contract Services for Drug Dependent Federal Offenders Act of 1978.	5,500,000
98-265	Apr. 17	Extending the expiration date of the Defense Production Act of 1950.	25,000,000
98-276	May 8	Providing for a White House Conference on Small Business.	5,300,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 98TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1984	GENERAL GOVERNMENT ACTS—Continued	
98-355	July 11	To increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.	....
98-375	Aug. 7	Establishing the Christopher Columbus Quincentenary Jubilee Commission.	$220,000
98-399	Aug. 27	Establishing a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.	Donated funds
98-420	Sept. 25	Granting the consent of Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania.	7,000,000
98-497	Oct. 19	Establishing the National Archives and Records Administration as an independent executive agency.	....
98-533	Oct. 19	To combat international terrorism.	366,300,000
98-577	Oct. 30	Small Business and Federal Procurement Competition Enhancement Act.	−30,000,000
98-614	Nov. 8	Extending and revising the authority of the President under chapter 9 of title 5, U.S. Code, to transmit to the Congress plans for the reorganization of the agencies of the Executive Branch of the Government.	400,000
98-615	Nov. 8	Providing for retirement equity for former spouses of civil service retirees.	1,200,000
98-620	Nov. 8	Amending title 28, U.S. Code, with respect to the places where court shall be held in certain judicial districts.	13,000,000
		HOUSING ACT	
98-479	Oct. 17	Making essential technical corrections to the Housing and Urban Recovery Act of 1983.	....
		INTERIOR ACTS	
98-219	Feb. 17	Declaring certain lands to be held in trust for the benefit of certain Indian tribes.	2,500,000
98-244	Mar. 26	Establishing a National Fish and Wildlife Foundation.	1,000,000
98-327	June 25	Authorizing funds through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.	45,900,000
98-357	July 13	Establishing a boundary for the Black Canyon of the Gunnison National Monument.	2,500,000
98-366	July 17	Entitled the "Barrow Gas Field Transfer Act of 1984".	23,000,000
98-381	Aug. 17	Authorizing the Secretary of the Interior to construct, operate, and maintain hydroelectric power plants at various existing water projects.	15,000,000
98-398	Aug. 24	Establishing the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois.	2,500,000
98-409	Aug. 29	Establishing a State Mining and Mineral Resources Research Institute program.	11,300,000
98-425	Sept. 28	Designating certain lands in California as wilderness.	....
98-432	Sept. 28	Authorizing the Secretary of the Interior to pay a specified amount to the Shoalwater Bay Indian Tribe of Washington to settle claims regarding a previous transfer by the United States of certain lands within the Shoalwater Bay Reservation.	1,115,000
98-434	Sept. 28	Authorizing and directing the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States.	20,500,000
98-449	Oct. 4	Amending the Indian Financing Act of 1974.	15,500,000
98-454	Oct. 5	Enhancing the economic development of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.	33,900,000
98-478	Oct. 16	Providing assistance to groups and organizations volunteering to plant tree seedlings on public lands.	....
98-483	Oct. 17	Amending the National Historic Preservation Act.	2,500,000
98-489	Oct. 17	Authorizing the acquisition of land for a visitor contact and administrative site for the Big Thicket National Preserve in Texas.	600,000
98-494	Oct. 19	Designating a segment of the Illinois and Owyhee Rivers in Oregon as components of the National Wild and Scenic Rivers System.	....
98-500	Oct. 19	Compensating heirs of deceased Indians for improper payments from trust estates to States.	2,500,000
98-503	Oct. 19	Modifying the authorizations of appropriations for the Sitka National Park, Alaska.	1,400,000
98-505	Oct. 19	Providing for new acquisitions at Sleeping Bear Dunes National Lakeshore.	2,000,000
98-523	Oct. 19	Providing for the transfer to the Smithsonian Institution the General Post Office Building and the site thereof located in the District of Columbia.	40,000,000
98-530	Oct. 19	Relating to the water rights of the Ak-Chin Indian Community.	200,000
98-541	Oct. 24	Providing for the restoration of fish and wildlife in the Trinity River Basin, California.	35,400,000
98-548	Oct. 26	To extend the Wetlands Loan Act.	7,500,000
98-568	Oct. 30	Amending the Act of August 15, 1978, revising the boundaries of the Chattahoochee River National Recreation Area in Georgia, setting forth requirements with respect to land acquisition.	6,500,000
98-569	Oct. 30	Authorizing certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act.	10,000,000
98-585	Oct. 30	Designating certain areas in the Allegheny National Forest as wilderness and recreation areas.	2,000,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 98TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1984	LABOR, HEALTH AND HUMAN SERVICES ACTS	
98-221	Feb. 22	Authorizing funds for fiscal years 1984, 1985, and 1986, for the Rehabilitation Act.	$1,247,100,000
98-288	May 21	Authorizing funds through fiscal year 1986 for programs under the Domestic Volunteer Service Act, and allowing volunteers to be locally recruited and assigned to projects in order to alleviate poverty and poverty-related human problems.	166,084,000
98-378	Aug. 16	Amending Part D (Child Support and Establishment of Paternity) of title IV of the Social Security Act, to assure improvement in the child support enforcement program.	−69,000,000
98-426	Sept. 28	Revising provisions relating to coverage, benefits, medical treatment, and claims procedures under the Longshoremen's and Harbor Workers' Compensation Act.	....
98-457	Oct. 9	Extending and improving the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.	56,000,000
98-459	Oct. 9	Revising the Older Americans Act of 1965, and extending the authorization of funds therefor.	1,256,250,000
98-460	Oct. 9	Revising the old age, survivors and disability insurance provisions of the Social Security Act.	30,000,000
98-474	Oct. 12	Establishing a national program to increase the availability of information on the health consequences of smoking.	3,600,000
98-493	Oct. 17	Amending the Act providing for the incorporation of certain persons as Group Hospitalization, Inc.	600,000
98-507	Oct. 19	Providing for the establishment of a Task Force in Organ Procurement and transplantation and an Organ Procurement and Transplantation Registry.	5,000,000 −4,000,000
98-509	Oct. 19	Authorizing funds for fiscal years 1985, 1986, and 1987 for alcohol, drug abuse, and mental health services block grants.	655,000,000
98-512	Oct. 19	Authorizing funds for fiscal years 1985, 1986, and 1987 for the adolescent family life demonstration program.	188,400,000
98-527	Oct. 19	Revising and extending programs for persons with developmental disabilities.	75,700,000
98-551	Oct. 30	Authorizing funds through FY 1986 for health promotion and disease prevention programs of the Department of Health and Human Services.	79,500,000
98-555	Oct. 30	Authorizing funds through FY 1987 for the home health-care training program and the tuberculosis, venereal disease and immunization programs, and authorizing funds through FY 1988 for the preventive, health and health services block grant program.	229,500,000
98-558	Oct. 30	Extending programs under the Head Start Act.	3,701,530,000
98-604	Oct. 30	Ensuring the payment in 1985 of cost-of-living increases under the OASDI program in title II of the Social Security Act, and to provide for a study of certain changes which might be made in the provisions authorizing cost-of-living adjustments under that program.	....
98-617	Nov. 8	Amending part A of title XVIII of the Social Security Act, with respect to the payment rates for routine home health care and other services included in hospice care.	....
		LEGISLATIVE BRANCH ACTS	
98-340	July 3	Directing the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, directing the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and directing the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property.	....
98-427	Sept. 28	Authorizing and directing the Librarian of Congress, subject to the authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility.	11,500,000
		PUBLIC WORKS ACTS	
98-243	Mar. 26	Modifying the authority for the Richard B. Russell Dam and Lake project.	....
98-404	Aug. 28	Amending the Reclamation Safety of Dams Act of 1978, authorizing additional funds for fiscal year 1984 to preserve the structural safety of Federal dams.	45,000,000
98-501	Oct. 19	Developing long-term job opportunities in public works.	3,200,000
		REVENUE ACTS	
98-259	Apr. 10	Amending the Internal Revenue Code of 1954 to exempt from Federal income taxes certain military and civilian employees of the United States dying as a result of injuries sustained overseas.	....
98-302	May 25	Providing for an increase in the public debt limit.	....
98-342	July 6	Increasing the statutory limit on the public debt.	....
98-475	Oct. 13	Increasing the statutory limit on the public debt.	....

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 98TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1984	REVENUE ACTS—Continued	
98-611	Oct. 31	Amending the Internal Revenue Code of 1954 to extend for 2 years the exclusion from gross income with respect to educational assistance programs.	....
98-612	Oct. 31	Amending the Internal Revenue Code of 1954 to extend for one year the exclusion from gross income with respect to group legal services plans.	....
		SCIENCE ACTS	
98-361	July 16	Authorizing funds to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management.	$7,531,400,000
98-365	July 17	Establishing a system to promote the use of land remote sensing satellite data.	75,000,000
98-373	July 31	Establishing the Arctic Research Council to coordinate a comprehensive Arctic research policy.	500,000
		TRANSPORTATION ACTS	
98-217	Feb. 14	Authorizing the Secretary of Defense to act by proxy for any member of the Board of the Panama Canal Commission.	....
98-229	Mar. 9	Apportioning certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985, and increasing the amount authorized to be expended for emergency relief under title 23, United States Code.	....
98-363	July 17	Amending the Surface Transportation Assistance Act of 1982, increasing the authorization of funds for highway safety programs for fiscal year 1985 and 1986, and requiring each State to expend a specified amount of such funds for programs concerning child restraint systems.	27,000,000
98-443	Oct. 4	To terminate and transfer certain functions of the Civil Aeronautics Board.	....
98-464	Oct. 11	Authorizing funds for fiscal years 1985 and 1986 for the Natural Gas Pipeline Safety Act.	8,600,000
98-466	Oct. 11	Providing for a study of Federal Aviation Administration practices.	500,000
98-554	Oct. 30	Providing for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles.	....
98-557	Oct. 30	Authorizing funds for the Coast Guard for FY 1985 and 1986.	2,423,700,000
98-559	Oct. 30	Amending the Hazardous Materials Transportation Act, authorizing funds for FY 1985 and 1986.	7,500,000
98-575	Oct. 30	To prohibit persons from launching a space object from the territory of the United States unless they are properly licensed, and directing the Secretary of Commerce to issue such licenses.	4,000,000
		VETERANS ACTS	
98-223	Mar. 2	Increasing the rates of disability compensation for disabled veterans and increasing the rate of dependency and indemnity compensation for surviving spouses and children of veterans.	348,200,000
98-528	Oct. 19	Requiring the VA to develop guidance for the provision of care to veterans suffering from alcohol or drug dependence.	27,800,000
98-543	Oct. 24	Veterans' Administration Benefit Rate Increase and Program Improvement Act.	556,400,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. III).]

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984, PUBLIC LAW 98-248, APPROVED MARCH 30, 1984

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
SOCIAL SECURITY ADMINISTRATION				
Low income home energy assistance	98-169	$200,000,000	$200,000,000	
DEPARTMENT OF AGRICULTURE				
PUBLIC LAW 480				
Emergency food assistance for Africa	98-169	90,000,000	90,000,000	
Total, new budget *(obligational)* authority		290,000,000	290,000,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1984, PUBLIC LAW 98-332, APPROVED JULY 2, 1984

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF AGRICULTURE				
Public Law 480:				
Title II—Commodities for disposition abroad:				
Emergency food assistance for Africa	98-193	$60,000,000	$60,000,000	
Commodity Credit Corporation inventory			*(90,000,000)*	*(+$90,000,000)*
Food and Nutrition Service:				
Child Nutrition Programs	98-139	545,544,000	545,544,000	
Feeding Program for Women, Infants, and Children (WIC)	98-139	166,986,000	300,000,000	+133,014,000
Farmers Home Administration:				
Rural Housing Insurance Fund *(from amounts available)*			*(1,610,000,000)*	*(+1,610,000,000)*
Total, Department of Agriculture		772,530,000	905,544,000	+133,014,000
UNITED STATES INFORMATION AGENCY				
Educational and Cultural Exchange Programs			850,000	+850,000
CIVIL AERONAUTICS BOARD				
Salaries and expenses	98-139	2,490,000	2,000,000	−490,000
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Sec. 202 program implementation			21,000,000	+21,000,000
BILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
Economic support fund			500,000	+500,000
MILITARY ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
Military assistance	98-174	61,750,000	61,750,000	
DEPARTMENT OF STATE				
Migration and refugee assistance	98-139	7,000,000	7,000,000	
DEPARTMENT OF THE INTERIOR				
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Abandoned mine reclamation fund *(from amounts available)*			*(1,000,000)*	*(+1,000,000)*
CENTRAL INTELLIGENCE AGENCY				
Central Intelligence Agency	S 98-26	21,000,000		−21,000,000
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Training and employment services			100,000,000	+100,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1984, PUBLIC LAW 98-332, APPROVED JULY 2, 1984—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
SENATE				
CONTINGENT EXPENSES OF THE SENATE				
Stationery *(revolving fund)*	98-218	$61,000	$61,000	
DEPARTMENT OF THE TREASURY				
UNITED STATES CUSTOMS SERVICE				
Operation and maintenance, air interdiction program			25,000,000	+$25,000,000
GENERAL PROVISIONS				
DEPARTMENT OF THE INTERIOR				
NATIONAL PARK SERVICE				
Construction *(deferral disapproval)*		([1])	*(14,000,000)*	*(+14,000,000)*
DEPARTMENT OF AGRICULTURE				
Commodity Credit Corporation export credit guarantees, FY 1985			*(5,000,000,000)*	*(+5,000,000,000)*
RECAPITULATION				
Grand Total:				
New budget *(obligational)* authority		864,831,000	1,123,705,000	+258,874,000
(From Commodity Credit Corporation inventory)			*(90,000,000)*	*(+90,000,000)*
(From amounts available)			*(1,611,000,000)*	*(+1,611,000,000)*
(Deferral disapproval)			*(14,000,000)*	*(+14,000,000)*
(Export credit guarantees, FY 1985)			*(5,000,000,000)*	*(+5,000,000,000)*

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[1] Deferral No. D84-50 submitted in H. Doc. 98-173 to defer $14,000,000.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984

TITLE I—GENERAL SUPPLEMENTALS

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I				
CHAPTER I				
DEPARTMENT OF AGRICULTURE				
Agricultural Research Service:				
Buildings and facilities			$50,200,000	+$50,200,000
Animal and Plant Health Inspection Service:				
Salaries and expenses			1,500,000	+1,500,000
Federal Crop Insurance Corporation:				
Authority to borrow		$100,000,000		−100,000,000
Subscription to captial stock			50,000,000	+50,000,000
Farmers Home Administration:				
Agricultural Credit Insurance Fund:				
Farm ownership loans			*(25,000,000)*	*(+25,000,000)*
Guaranteed operating loans			*(150,000,000)*	*(+150,000,000)*
Rural Housing Preservation Grants			15,000,000	+15,000,000
Total, Farmers Home Administration:				
New budget *(obligational)* authority			15,000,000	+15,000,000
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
Soil Conservation Service:				
Watershed and flood prevention operations			12,000,000	+12,000,000
Agricultural Stabilization and Conservation Service:				
Emergency conservation program			12,000,000	+12,000,000
Food and Nutrition Service:				
Food stamp program	98-243	700,000,000	700,000,000	
Foreign Agricultural Service, Public Law 480:				
Title I and III—Credit sales	98-174 98-193	200,000,000	175,000,000	−25,000,000
Total, Department of Agriculture:				
New budget *(obligational)* authority		1,000,000,000	1,015,700,000	+15,700,000
Appropriations		(900,000,000)	(965,700,000)	(+65,700,000)
Authority to borrow		(100,000,000)		(−100,000,000)
Subscription to capital stock			(50,000,000)	(+50,000,000)
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
RELATED AGENCIES				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration:				
Buildings and facilities			13,867,000	+13,867,000
Total, Chapter I:				
New budget *(obligational)* authority		1,000,000,000	1,029,567,000	+29,567,000
Appropriations		(900,000,000)	(979,567,000)	(+79,567,000)
Authority to borrow		(100,000,000)		(−100,000,000)
Subscription to captial stock			(50,000,000)	(+50,000,000)
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
CHAPTER II				
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses			3,700,000	+3,700,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
ECONOMIC DEVELOPMENT ADMINISTRATION				
Economic development assistance programs			$26,000,000	+$26,000,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research and facilities			9,255,000	+9,255,000
NATIONAL BUREAU OF STANDARDS				
Scientific and technical research and services			4,900,000	+4,900,000
Total, Department of Commerce			43,855,000	+43,855,000
RELATED AGENCIES				
DEPARTMENT OF TRANSPORTATION				
MARITIME ADMINISTRATION				
Operations and training			11,000,000	+11,000,000
INTERNATIONAL TRADE COMMISSION				
Salaries and expenses	98-193	$800,000	250,000	−550,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE				
Salaries and expenses		511,000	500,000	−11,000
Total, Related Agencies		1,311,000	11,750,000	+10,439,000
Total, Department of Commerce and Related Agencies		1,311,000	55,605,000	+54,294,000
DEPARTMENT OF JUSTICE				
UNITED STATES PAROLE COMMISSION				
Salaries and expenses		449,000	449,000	
GENERAL LEGAL ACTIVITIES				
Salaries and expenses, general legal activities		10,742,000	7,882,000	−2,860,000
Salaries and expenses, United States Attorneys and Marshals			1,081,000	+1,081,000
(By transfer)	98-236	*(3,855,000)*	*(3,855,000)*	
Support of United States Prisoners			5,000,000	+5,000,000
Total, General Legal Activities:				
New budget *(obligational)* authority		10,742,000	13,963,000	+3,221,000
(By transfer)		*(3,855,000)*	*(3,855,000)*	
FEDERAL PRISON SYSTEM				
Salaries and expenses	98-236	20,126,000	15,760,000	−4,366,000
National Institute of Corrections			3,300,000	+3,300,000
Total, Federal Prison System		20,126,000	19,060,000	−1,066,000
Total, Department of Justice:				
New budget *(obligational)* authority		31,317,000	33,472,000	+2,155,000
(By transfer)		*(3,855,000)*	*(3,855,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF STATE				
Administration of Foreign Affairs				
Salaries and expenses	98-193	$10,698,000	$279,000	−$10,419,000
(By transfer)		*(15,602,000)*	*(15,602,000)*	
Acquisition, operation, and maintenance of buildings abroad		8,760,000	17,140,000	+8,380,000
Payment to the Foreign Service retirement and disability fund	98-236	5,399,000	5,399,000	
Total, Department of State:				
New budget *(obligational)* authority		24,857,000	22,818,000	−2,039,000
(By transfer)		*(15,602,000)*	*(15,602,000)*	
RELATED AGENCIES				
United States Information Agency				
Salaries and expenses	98-174	1,500,000		−1,500,000
Educational and cultural exchange programs	98-174	5,500,000		−5,500,000
Christopher Columbus Quincentenary Jubilee Commission			220,000	+220,000
Total, United States Information Agency		7,000,000	220,000	−6,780,000
Total, Department of State and Related Agencies:				
New budget *(obligational)* authority		31,857,000	23,038,000	−8,819,000
(By transfer)		*(15,602,000)*	*(15,602,000)*	
THE JUDICIARY				
Supreme Court of the United States				
Care of the buildings and grounds		600,000	600,000	
Courts of Appeals, District Courts, and Other Judicial Services				
Defender services		4,750,000	4,000,000	−750,000
Expenses of Operation and Maintenance of the Courts			1,125,000	+1,125,000
Bankruptcy Courts, salaries and expenses		3,545,000	2,500,000	−1,045,000
(By transfer)			*(1,000,000)*	*(+1,000,000)*
Total, the Judiciary:				
New budget *(obligational)* authority		8,895,000	8,225,000	−670,000
(By transfer)			*(1,000,000)*	*(+1,000,000)*
Total, Chapter II:				
New budget *(obligational)* authority		73,380,000	120,340,000	+46,960,000
(By transfer)		*(19,457,000)*	*(20,457,000)*	*(+1,000,000)*
CHAPTER III				
DEPARTMENT OF DEFENSE—MILITARY				
Military Personnel				
Military personnel, Army		3,400,000	3,200,000	−200,000
Military personnel, Marine Corps		5,500,000	2,800,000	−2,700,000
Total, Military Personnel		8,900,000	6,000,000	−2,900,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
OPERATION AND MAINTENANCE				
Operation and maintenance, Army		$90,500,000	$81,400,000	−$9,100,000
Operation and maintenance, Navy		116,800,000	107,400,000	−9,400,000
Operation and maintenance, Marine Corps		14,500,000	14,200,000	−300,000
Operation and maintenance, Air Force		44,500,000	41,200,000	−3,300,000
Operation and maintenance, Defense Agencies		20,400,000	20,400,000	
Operation and maintenance, Army Reserve		1,300,000	1,300,000	
Operation and maintenance, Navy Reserve		500,000	500,000	
Operation and maintenance, Air Force Reserve		2,600,000	2,600,000	
Operation and maintenance, Army National Guard		4,300,000	4,300,000	
Operation and maintenance, Air National Guard		2,600,000	2,600,000	
Total, Operation and Maintenance		298,000,000	275,900,000	−22,100,000
PROCUREMENT				
Other procurement, Air Force	98-229	50,000,000	50,000,000	
Shipbuilding and Conversion, Navy *(by transfer)*			*(32,000,000)*	*(+32,000,000)*
Total, Chapter III:				
New budget *(obligational)* authority		356,900,000	331,900,000	−25,000,000
(By transfer)			*(32,000,000)*	*(+32,000,000)*
CHAPTER IV				
DEPARTMENT OF DEFENSE				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Construction, general			8,000,000	+8,000,000
General Provision			2,000,000	+2,000,000
Total, Department of Defense			10,000,000	+10,000,000
DEPARTMENT OF ENERGY				
Atomic Energy Defense Activities:				
Operating Expenses		157,600,000		−157,600,000
INDEPENDENT AGENCIES				
FUNDS APPROPRIATED TO THE PRESIDENT				
Appalachain Regional Development Programs			5,000,000	+5,000,000
Total, Chapter IV:				
New budget *(obligational)* authority		157,600,000	15,000,000	−142,600,000
CHAPTER V				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
HOUSING PROGRAMS				
Annual contributions for assisted housing:				
(Increased limitation for annual contract authority)			*(15,000,000)*	*(+15,000,000)*
Contract authority			150,000,000	+150,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-- as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (-), appropriations compared with estimates
Rental housing assistance (*rescission of contract authority, indefinite*)		(-$354,270,000)	-$354,270,000	(-$354,270,000)
(*Limitation on annual contract authority, indefinite—rescission*)		(-*21,912,000*)	(-*21,912,000*)	
Total, Housing Programs:				
Contract authority (*net*)			-204,270,000	-204,270,000
Contract authority			(150,000,000)	(+150,000,000)
Rescission of contract authority, indefinite		(-354,270,000)	(-354,270,000)	[1](-354,270,000)
(*Limitation of contract authority*)			(*15,000,000*)	(+*15,000,000*)
(*Rescission of limitation of contract authority, indefinite*)		(-*21,912,000*)	(-*21,912,000*)	
POLICY DEVELOPMENT AND RESEARCH				
Research and technology			200,000	+200,000
Total, Department of Housing and Urban Development:				
New budget (*obligational*) authority (*net*)			-204,070,000	-204,070,000
Appropriation			(200,000)	(+200,000)
Contract authority			(150,000,000)	(+150,000,000)
Rescission of contract authority, indefinite		(-354,270,000)	(-354,270,000)	[1](-354,270,000)
(*Limitation of contract authority*)			(*15,000,000*)	(+*15,000,000*)
(*Rescission of limitation of contract authority, indefinite*)		(-*21,912,000*)	(-*21,912,000*)	
ENVIRONMENTAL PROTECTION AGENCY				
Research and development		5,500,000	3,000,000	-2,500,000
Abatement, control and compliance			50,000,000	+50,000,000
Hazardous Substance Response Trust Fund		50,000,000	50,000,000	
(*Limitation on administrative expenses*)		(*66,989,000*)	(*66,989,000*)	
Construction grants			5,000,000	+5,000,000
Total, Environmental Protection Agency:				
New budget (*obligational*) authority		55,500,000	108,000,000	+52,500,000
(*Limitation on administrative expenses*)		(*66,989,000*)	(*66,989,000*)	
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Emergency food and shelter program			70,000,000	+70,000,000
Emergency management planning and assistance			2,000,000	+2,000,000
Total, Federal Emergency Management Agency			72,000,000	+72,000,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and development			13,000,000	+13,000,000
NATIONAL INSTITUTE OF BUILDING SCIENCES				
Salaries and expenses			250,000	+250,000
Trust Fund			5,000,000	+5,000,000
Total, National Institute of Building Sciences			5,250,000	+5,250,000
NATIONAL SCIENCE FOUNDATION				
Research and related activities			1,500,000	+1,500,000

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[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
NEIGHBORHOOD REINVESTMENT CORPORATION				
Payment to the Neighborhood Reinvestment Corporation			$500,000	+$500,000
VETERANS ADMINISTRATION				
Compensation and pensions	98-229	$154,900,000	284,900,000	+130,000,000
Readjustment benefits		52,200,000	82,200,000	+30,000,000
Medical care		15,000,000	15,000,000	
General operating expenses		3,588,000	3,588,000	
Loan guaranty revolving fund	98-236	260,000,000	100,000,000	−160,000,000
Total, Veterans Administration		485,688,000	485,688,000	
Total, Chapter V:				
New budget *(obligational)* authority *(net)*		541,188,000	481,868,000	−59,320,000
Appropriations		(541,188,000)	(686,138,000)	(+144,950,000)
Contract authority			(150,000,000)	(+150,000,000)
Rescission of contract authority, indefinite		*(−354,270,000)*	(−354,270,000)	[1](−354,270,000)
(Limitation on contract authority)			*(15,000,000)*	*(+15,000,000)*
(Rescission of limitation of contract authority, indefinite)		*(−21,912,000)*	*(−21,912,000)*	
(Limitation on administrative expenses)		*(66,989,000)*	*(66,989,000)*	
CHAPTER VI				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources		38,160,000	44,141,000	+5,981,000
Construction and access			1,370,000	+1,370,000
Land acquisition			4,500,000	+4,500,000
Total, Bureau of Land Management		38,160,000	50,011,000	+11,851,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management		1,031,000	1,785,000	+754,000
Construction and anadromous fish			6,630,000	+6,630,000
Land acquisition			10,000,000	+10,000,000
Total, United States Fish and Wildlife Service		1,031,000	18,415,000	+17,384,000
NATIONAL PARK SERVICE				
Operation of the national park system		2,600,000	6,100,000	+3,500,000
Construction			22,653,000	+22,653,000
Land and Water Conservation Fund *(contract authority) (rescission)*			−30,000,000	−30,000,000
Land acquisition and State assistance			30,000,000	+30,000,000
Total, National Park Service *(net)*		2,600,000	28,753,000	+26,153,000
GEOLOGICAL SURVEY				
Barrow area gas operation, exploration and development		13,000,000	13,000,000	
(By transfer)		*(17,000,000)*	*(17,000,000)*	

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[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology		$4,775,000	$4,775,000	
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs		14,000,000	27,000,000	+$13,000,000
(By transfer)		*(7,400,000)*		*(−7,400,000)*
Construction		17,000,000	17,000,000	
Total, Bureau of Indian Affairs		31,000,000	44,000,000	+13,000,000
TERRITORIAL AND INTERNATIONAL AFFAIRS				
Administration of territories		1,984,000	2,440,000	+456,000
(By transfer)		*(514,000)*	*(250,000)*	*(−264,000)*
Trust Territory of the Pacific Islands			2,000,000	+2,000,000
(By transfer)	98-243	2,000,000		−2,000,000
Total, Territorial and International Affairs:				
New budget *(obligational)* authority		1,984,000	4,440,000	+2,456,000
(By transfer)		*(2,514,000)*	*(250,000)*	*(−2,264,000)*
Total, Department of Interior:				
New budget *(obligational)* authority *(net)*		92,550,000	163,394,000	+70,844,000
Appropriations		(92,550,000)	(193,394,000)	(+100,844,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(26,914,000)*	*(17,250,000)*	*(−9,664,000)*
RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
National forest system		34,301,000	34,301,000	
Land acquisition			1,500,000	+1,500,000
Total, Department of Agriculture		34,301,000	35,801,000	+1,500,000
DEPARTMENT OF ENERGY				
Fossil energy research and development			2,948,000	+2,948,000
Economic regulation		3,000,000	1,395,000	−1,605,000
Strategic petroleum reserve [1]		[1] 459,190,000	459,190,000	
Total, Department of Energy		462,190,000	463,533,000	+1,343,000
DEPARTMENT OF EDUCATION				
Vocational and adult education *(by transfer from Bureau of Mines)*			*(570,000)*	*(+570,000)*
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
NATIONAL ENDOWMENT FOR THE ARTS				
Salaries and expenses	98-127	100,000	100,000	
Total, Chapter VI:				
New budget *(obligational)* authority *(net)*		589,141,000	662,828,000	+73,687,000
Appropriations		(589,141,000)	(692,828,000)	(+103,687,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(26,914,000)*	*(17,820,000)*	*(−9,094,000)*

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[1] Fiscal year 1985 request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER VII				
DEPARTMENT OF LABOR				
Employment and Training Administration				
Training and employment services:				
Job Corps			$21,700,000	+$21,700,000
Migrant and farmworker employment and training			5,117,000	+5,117,000
Total, Employment and Training Administration			26,817,000	+26,817,000
Bureau of Labor Statistics				
Salaries and expenses			750,000	+750,000
Total, Department of Labor			27,567,000	+27,567,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Centers for Disease Control				
Disease control			1,750,000	+1,750,000
National Institutes of Health				
National Cancer Institute			2,000,000	+2,000,000
National Institute of Allergy and Infectious Diseases			4,150,000	+4,150,000
Research resources			400,000	+400,000
Total, National Institutes of Health			6,550,000	+6,550,000
Alcohol, Drug Abuse, and Mental Health Administration				
Alcohol, drug abuse, and mental health			1,175,000	+1,175,000
Health Care Financing Administration				
Program management *(limitation on trust fund transfer)*		*($4,000,000)*		*(−4,000,000)*
Office of Human Development Services				
Developmental disabilities assistance			387,000	+387,000
Social services block grant			25,000,000	+25,000,000
Human development services			15,000,000	+15,000,000
Family social services		43,200,000	60,000,000	+16,800,000
Total, Office of Human Development Services		43,200,000	100,387,000	+57,187,000
Total, Department of Health and Human Services		43,200,000	109,862,000	+66,662,000
DEPARTMENT OF EDUCATION				
Compensatory education for the disadvantaged			750,000	+750,000
Special programs			500,000	+500,000
School assistance in federally affected areas	98-243	15,000,000	15,000,000	
Education for the handicapped			1,200,000	+1,200,000
Rehabilitation services and handicapped research			34,200,000	+34,200,000
(By transfer)		*(10,000,000)*		*(−10,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
SPECIAL INSTITUTIONS				
Gallaudet College		....	$2,000,000	+$2,000,000
Howard University		....	6,000,000	+6,000,000
(By transfer)		....	*(5,000,000)*	*(+5,000,000)*
DEPARTMENTAL MANAGEMENT				
Salaries and expenses *(by transfer)*		*($2,206,000)*	....	*(−2,206,000)*
Office of the Inspector General *(by transfer)*		*(1,717,000)*	*(1,717,000)*	....
Total, Department of Education		15,000,000	59,650,000	+44,650,000
(By transfer)		*(13,923,000)*	*(6,717,000)*	*(−7,206,000)*
RELATED AGENCIES				
ACTION				
Operating expenses		....	6,269,000	+6,269,000
CORPORATION FOR PUBLIC BROADCASTING				
Public broadcasting fund:				
Fiscal year 1984		....	7,500,000	+7,500,000
Fiscal year 1985		....	20,500,000	+20,500,000
Fiscal year 1986		....	29,500,000	+29,500,000
Total, Public Broadcasting Fund		....	57,500,000	+57,500,000
Total, Related Agencies		....	63,769,000	+63,769,000
Total, Chapter VII:				
New budget *(obligational)* authority		58,200,000	260,848,000	+202,648,000
Appropriations, fiscal year 1984		(58,200,000)	(210,848,000)	(+152,648,000)
Appropriations, fiscal year 1985		....	(20,500,000)	(+20,500,000)
Appropriations, fiscal year 1986		....	(29,500,000)	(+29,500,000)
(By transfer)		*(13,923,000)*	*(6,717,000)*	*(−7,206,000)*
(Trust fund transfer)		*(4,000,000)*	....	*(−4,000,000)*
CHAPTER VIII				
LEGISLATIVE BRANCH				
SENATE				
SALARIES, OFFICERS AND EMPLOYEES				
Office of the Vice President		10,000	10,000	....
Offices of the Majority and Minority Whips		100,000	100,000	....
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority		14,000	14,000	....
Administrative, clerical, and legislative assistance to Senators	98-236	94,000	94,000	....
Office of Sergeant at Arms and Doorkeeper	98-218	100,000	100,000	....
Total, Salaries, Officers and Employees		318,000	318,000	....
CONTINGENT EXPENSES OF THE SENATE				
Senate Policy Committees		100,000	100,000	....
Secretary of the Senate		78,000	55,000	−23,000
Sergeant at Arms and Doorkeeper of the Senate	98-218 98-229	1,652,000	1,652,000	....
Miscellaneous items		280,000	130,000	−150,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Stationery *(Revolving Fund)*	98-218	$61,000		−$61,000
Total, Contingent Expenses of the Senate		2,171,000	$1,937,000	−234,000
Total, Senate		2,489,000	2,255,000	−234,000
HOUSE OF REPRESENTATIVES				
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS				
Gratuities, deceased Members			215,000	+215,000
HOUSE LEADERSHIP OFFICES				
Office of the Majority Floor Leader		46,000	46,000	
Office of the Minority Floor Leader		46,000	46,000	
Office of the Majority Whip		12,000	12,000	
Office of the Minority Whip		12,000	12,000	
Total, House Leadership Offices		116,000	116,000	
SALARIES, OFFICERS AND EMPLOYEES				
Office of the Doorkeeper		45,000	45,000	
Office for the Bicentennial		126,000	126,000	
Total, Salaries, Officers and Employees		171,000	171,000	
COMMITTEE ON APPROPRIATIONS (Studies and Investigations)				
Committee on Appropriations		300,000	300,000	
MEMBERS' CLERK HIRE				
Members' Clerk Hire	98-169	9,160,000	7,322,000	−1,838,000
ALLOWANCES AND EXPENSES				
Official expenses of Members		1,000,000	1,000,000	
Supplies, materials, administrative costs and Federal tort claims		7,956,000	7,956,000	
Government contributions		9,804,000	9,804,000	
Total, Allowances and expenses		18,760,000	18,760,000	
Total, House of Representatives		28,507,000	26,884,000	−1,623,000
JOINT ITEMS				
CONTINGENT EXPENSES OF THE SENATE				
Joint committee on inaugural ceremonies for 1985	([1])	[1]937,000	786,000	−151,000
OFFICE OF THE ATTENDING PHYSICIAN				
Medical supplies, equipment, expenses, and allowances:				
Fiscal year 1984	98-252	78,000	78,000	
Fiscal year 1985	98-252	51,000	51,000	
Total, Office of the Attending Physician		129,000	129,000	
CAPITOL POLICE				
General expenses	98-193	177,000	125,000	−52,000

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[1] Budget request never formally received from the President.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
OFFICIAL MAIL COSTS				
Official mail costs	98-218	$10,200,000	$10,200,000	
ARCHITECT OF THE CAPITOL				
Contingent expenses		150,000	150,000	
East Plaza—underground garage complex	98-169	3,000,000		−$3,000,000
Capitol buildings		2,850,000	2,650,000	−200,000
(Increase in limitation)		*(2,100,000)*	*(1,900,000)*	*(−200,000)*
Rescission, fiscal year 1985			−72,000	−72,000
Capitol grounds		200,000	200,000	
Senate office buildings		11,500,000	7,000,000	−4,500,000
House office buildings		152,000	152,000	
Library buildings and grounds: Structural and mechanical care		111,500,000	81,500,000	−30,000,000
Total, Architect of the Capitol: New budget *(obligational)* authority *(net)*		129,352,000	91,580,000	−37,772,000
Appropriations		(129,352,000)	(91,652,000)	(−37,700,000)
Rescission, fiscal year 1985			(−72,000)	(−72,000)
(Increase in limitation)		*(2,100,000)*	*(1,900,000)*	*(−200,000)*
LIBRARY OF CONGRESS				
Salaries and expenses		11,500,000	11,500,000	
Total, Chapter VIII: New budget *(obligational)* authority *(net)*		183,291,000	143,459,000	−39,832,000
Appropriations, fiscal year 1984		(183,240,000)	(143,480,000)	(−39,760,000)
Appropriations, fiscal year 1985		(51,000)	(51,000)	
Rescission, fiscal year 1985			(−72,000)	(−72,000)
(Increase in limitation)		*(2,100,000)*	*(1,900,000)*	*(−200,000)*
CHAPTER IX				
MILITARY CONSTRUCTION				
Military construction, Navy	98-133	30,000,000	25,000,000	−5,000,000
Military construction, Air Force	98-127	55,000,000	49,000,000	−6,000,000
Total, Chapter IX, new budget *(obligational)* authority		85,000,000	74,000,000	−11,000,000
CHAPTER X				
DEPARTMENT OF TRANSPORTATION				
COAST GUARD				
Operating expenses *(by transfer)*		*(6,258,000)*	*(6,000,000)*	*(−258,000)*
FEDERAL AVIATION ADMINISTRATION				
Aircraft purchase loan guarantee program		[1] 110,240,000	[1] 110,240,000	
Appropriation for debt reduction		−102,490,000	−102,490,000	
Total, Federal Aviation Administration		7,750,000	7,750,000	
FEDERAL RAILROAD ADMINISTRATION				
Rail service assistance		5,823,000	5,823,000	
Appropriation for debt reduction		−5,678,000	−5,678,000	
Total, Rail Service Assistance		145,000	145,000	

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[1] Estimates of "indefinite" interest payments.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Conrail labor protection		$10,000,000	$10,000,000	
(By transfer)		*(15,000,000)*	*(15,000,000)*	
Settlements of railroad litigation		[1] 302,800,000	[1] 302,800,000	
Appropriation for debt reduction		−286,079,000	−286,079,000	
Total, Settlements of Railroad Litigation		16,721,000	16,721,000	
Grants to the national passenger corporation		[1] 1,228,429,000	[1] 1,228,429,000	
Appropriation for debt reduction		−1,119,636,000	−1,119,636,000	
Total, Grants to the National Passenger Corporation		108,793,000	108,793,000	
Railroad rehabilitation and improvement financing funds		[1] 733,000	[1] 733,000	
Appropriation for debt reduction		−667,000	−667,000	
Total, Railroad Rehabilitation and Improvement Financing Funds		66,000	66,000	
Total, Federal Railroad Administration:				
New budget *(obligational)* authority		135,725,000	135,725,000	
Appropriations		[2](1,547,785,000)	[2](1,547,785,000)	
Appropriation for debt reduction		(−1,412,060,000)	(−1,412,060,000)	
(By transfer)		*(15,000,000)*	*(15,000,000)*	
Total, Department of Transportation:				
New budget *(obligational)* authority		143,475,000	143,475,000	
Appropriations		[3](1,658,025,000)	[3](1,658,025,000)	
Appropriation for debt reduction		(−1,514,550,000)	(−1,514,550,000)	
(By transfer)		*(21,258,000)*	*(21,000,000)*	*(−$258,000)*
RELATED AGENCY				
PANAMA CANAL COMMISSION				
Operating expenses *(rescission)*	98-167	*(−17,750,000)*	−17,750,000	[4] −17,750,000
Capital outlay *(rescission)*	98-167	*(−7,625,000)*	−7,625,000	[4] −7,625,000
Total, Chapter X:				
New budget *(obligational)* authority *(net)*		143,475,000	118,100,000	−25,375,000
Appropriations		[3](1,658,025,000)	[3](1,658,025,000)	
Appropriation for debt reduction		(−1,514,550,000)	(−1,514,550,000)	
Rescission		*(−25,375,000)*	(−25,375,000)	[4](−25,375,000)
(By transfer)		*(21,258,000)*	*(21,000,000)*	*(−258,000)*
CHAPTER XI				
DEPARTMENT OF THE TREASURY				
UNITED STATES CUSTOMS SERVICE				
Salaries and expenses *(by transfer)*			*(3,000,000)*	*(+3,000,000)*
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS				
Postal savings system liquidation		1,000,000	1,000,000	

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[1] Estimates of "indefinite" interest payments.

[2] Includes $1,537,785,000 in "indefinite" interest payments.

[3] Includes $1,648,025,000 in "indefinite" interest payments.

[4] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
INDEPENDENT AGENCIES				
GENERAL SERVICES ADMINISTRATION				
Federal Buildings Fund:				
Construction and acquisition of facilities *(Limitation on availability of revenue)*		*($50,000)*	*($50,000)*	....
Office of Information Resources Management, operating expenses		230,000	....	−$230,000
OFFICE OF PERSONNEL MANAGEMENT				
Payment to Civil Service Retirement and Disability Fund	98-236	238,081,000	238,081,000	....
UNITED STATES TAX COURT				
Salaries and expenses		400,000	400,000	....
Total, Chapter XI:				
New budget *(obligational)* authority		239,711,000	239,481,000	−230,000
(By transfer)		....	*(3,000,000)*	*(+3,000,000)*
(Limitation on availability of revenue)		*(50,000)*	*(50,000)*	....
CHAPTER XII				
FUNDS APPROPRIATED TO THE PRESIDENT				
INTERNATIONAL FINANCIAL INSTITUTIONS				
WORLD BANK GROUP				
Contribution to the International Bank for Reconstruction and Development:				
Paid-in capital		30,000,000	....	−30,000,000
(Limitation on callable capital subscriptions)		*(369,999,991)*	....	*(−369,999,991)*
Contribution to the International Development Association (IDA VI)		150,000,000	....	−150,000,000
Contribution to the Inter-American Development Bank:				
Fund for special operations		72,500,000	....	−72,500,000
Inter-regional paid-in capital		20,000,000	....	−20,000,000
(Limitation on callable capital subscriptions)		*(424,500,122)*	....	*(−424,500,122)*
Contribution to the Asian Development Bank: Paid-in capital		47,116,170	....	−47,116,170
Total, International Financial Institutions		319,616,170	....	−319,616,170
DEPARTMENT OF STATE				
International organizations and programs		3,686,000	1,000,000	−2,686,000
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Health, development assistance		....	7,500,000	+7,500,000
Payment to the Foreign Service Retirement and Disability Fund	98-236	4,083,000	4,083,000	....
International disaster assistance		....	16,000,000	+16,000,000
Operating expenses		3,700,000	3,700,000	....
Economic Support Fund		....	50,000,000	+50,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Economic Support Fund (Zablocki Memorial)			$10,000,000	+$10,000,000
Housing and other credit guaranty programs		$40,000,000		−40,000,000
Total, Agency for International Development		47,783,000	91,283,000	+43,500,000
DEPARTMENT OF STATE				
Migration and refugee assistance		7,650,000	7,650,000	
CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Agriculture, rural development, and nutrition Development Assistance	98-174	10,000,000	10,000,000	
Health, Development Assistance	98-174	18,000,000	18,000,000	
Education and human resources development, Development Assistance	98-174	10,000,000	10,000,000	
Energy and selected development activities, Development Assistance	98-174	30,000,000	30,000,000	
Economic Support Fund	98-174	290,500,000	290,500,000	
Operating expenses of the Agency for International Development	98-174	2,489,000	2,489,000	
Population planning, development assistance	98-174	5,000,000		−5,000,000
Total, Agency for International Development		365,989,000	360,989,000	−5,000,000
INDEPENDENT AGENCY				
Peace Corps	98-174	2,000,000	2,000,000	
MILITARY ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
Military assistance program	98-174	197,300,000	140,000,000	−57,300,000
Total, Chapter XII:				
New budget *(obligational)* authority		944,024,170	602,922,000	−341,102,170
(Limitation on callable capital subscriptions)		*(794,500,113)*		*(−794,500,113)*
CHAPTER XIII				
DISTRICT OF COLUMBIA				
DISTRICT OF COLUMBIA FUNDS				
Governmental direction and support *(rescission)*	98-250	*(−1,068,000)*		*(+1,068,000)*
Economic development and regulation			*(36,000)*	*(+36,000)*
(By transfer)			*(3,876,300)*	*(+3,876,300)*
(Rescission)	98-250	*(−281,000)*		*(+281,000)*
Public safety and justice	98-250	*(4,318,000)*	*(763,000)*	*(−3,555,000)*
(By transfer)			*(3,555,000)*	*(+3,555,000)*
Public education system *(rescission)*	98-250	*(−6,912,000)*		*(+6,912,000)*
Human support services	98-250	*(13,980,000)*	*(14,457,000)*	*(+477,000)*
(By transfer)			*(724,000)*	*(+724,000)*
Public works	98-250	*(4,857,000)*		*(−4,857,000)*
(By transfer)			*(4,926,300)*	*(+4,926,300)*
Adjustments *(rescission)*	98-250	*(−3,509,000)*	*(−12,000,300)*	*(−8,491,300)*
(By transfer)			*(−361,800)*	*(−361,800)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Washington Convention Center fund	98-250	*($6,072,000)*	*($6,072,000)*	
Repayment of general fund deficit *(rescission)*	98-250	*(−8,129,000)*		*(+$8,129,000)*
Total, operating expenses:				
District of Columbia funds		*(9,328,000)*	*(9,327,700)*	*(−300)*
Operating expenses		*(29,227,000)*	*(21,328,000)*	*(−7,899,000)*
Rescissions		*(−19,899,000)*	*(−12,000,300)*	*(+7,898,700)*
(By transfer)			*(12,719,800)*	*(+12,719,800)*
CAPITAL OUTLAY				
General fund	98-250	*(14,663,000)*	*(14,663,000)*	
ENTERPRISE FUNDS				
Washington Convention Center enterprise fund *(rescission)*	98-250	*(−9,617,000)*	*(−9,617,000)*	
Total, Chapter XIII:				
District of Columbia funds *(net)*		*(14,374,000)*	*(14,373,700)*	*(−300)*
Operating expenses		*(43,890,000)*	*(35,991,000)*	*(−7,899,000)*
Rescissions		*(−29,516,000)*	*(−21,617,300)*	*(+7,898,700)*
(By transfer)			*(12,719,800)*	*(+12,719,800)*
TITLE I—GENERAL SUPPLEMENTALS				
Total, all chapters, title I:				
New budget *(obligational)* authority *(net)*		4,371,910,170	4,080,313,000	−291,597,170
Appropriations, fiscal year 1984 *(net)*		(4,371,859,170)	(4,030,334,000)	(−341,525,170)
Appropriations		[1](5,786,409,170)	[1](5,754,529,000)	(−31,880,170)
Authority to borrow		(100,000,000)		(−100,000,000)
Subscription to capital stock			(50,000,000)	(+50,000,000)
Appropriations for debt reduction		(−1,514,550,000)	(−1,514,550,000)	
Contract authority			(150,000,000)	(+150,000,000)
Rescissions		*(−25,375,000)*	(−25,375,000)	[2](−25,375,000)
Rescission of contract authority, indefinite		*(−354,270,000)*	(−384,270,000)	[2](−384,270,000)
Appropriations, fiscal year 1985 *(net)*		(51,000)	(20,479,000)	(+20,428,000)
Appropriations		(51,000)	(20,551,000)	(+20,500,000)
Rescission			(−72,000)	(−72,000)
Appropriations, fiscal year 1986			(29,500,000)	(+29,500,000)
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
(Rescission of limitation on contract authority, indefinite)		*(−21,912,000)*	*(−21,912,000)*	
(Trust fund transfer)		*(4,000,000)*		*(−4,000,000)*
(By transfer)		*(81,552,000)*	*(120,994,000)*	*(+39,442,000)*
(Limitation on contract authority)			*(15,000,000)*	*(+15,000,000)*
(Limitation on callable capital subscriptions)		*(794,500,113)*		*(−794,500,113)*
(Limitation on availability of revenue)		*(50,000)*	*(50,000)*	
(Increase in limitation on administrative expenses)		*(69,089,000)*	*(68,889,000)*	*(−200,000)*
(District of Columbia Funds) (net)		*(14,374,000)*	*(14,373,700)*	*(−300)*

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[1] Includes $1,648,025,000 in "indefinite" interest payments.

[2] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II				
INCREASED PAY COSTS FOR THE FISCAL YEAR 1984				
LEGISLATIVE BRANCH				
SENATE				
Salaries, officers and employees	98-229	$6,752,000	$6,752,000	
Office of the Legislative Counsel of the Senate	98-229	38,000	38,000	
Senate Policy Committees	98-229	86,000	86,000	
Inquiries and investigations	98-229	1,218,000	1,218,000	
Total, Senate		8,094,000	8,094,000	
HOUSE OF REPRESENTATIVES				
House leadership offices	98-218	94,000	94,000	
Salaries, officers and employees	98-218	1,271,000	1,121,000	−$150,000
Committee employees	98-218	1,651,000	1,444,000	−207,000
Committee on Appropriations (*Studies and investigations*)	98-218	86,000	75,000	−11,000
Members' clerk hire	98-218	5,296,000	4,634,000	−662,000
Special and select committees	98-218	1,600,000	1,400,000	−200,000
Total, House of Representatives		9,998,000	8,768,000	−1,230,000
JOINT ITEMS				
Joint Economic Committee		75,000	75,000	
Joint Committee on Printing		21,000	21,000	
Joint Committee on Taxation	98-218	88,000	88,000	
Capitol Guide Service	98-218	22,000	19,000	−3,000
Total, Joint Items		206,000	203,000	−3,000
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses		190,000	178,000	−12,000
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses		529,000	423,000	−106,000
ARCHITECT OF THE CAPITOL				
Office of the Architect of the Capitol: Salaries		124,000	100,000	−24,000
Capitol buildings		158,000	100,000	−58,000
Capitol grounds		56,000	50,000	−6,000
Senate office buildings		337,000	300,000	−37,000
House office buildings		371,000	171,000	−200,000
Capitol power plant		79,000	60,000	−19,000
Library buildings and grounds: Structural and mechanical care		90,000	90,000	
Total, Architect of the Capitol		1,215,000	871,000	−344,000
BOTANIC GARDEN				
Salaries and expenses		40,000	40,000	
LIBRARY OF CONGRESS				
Salaries and expenses		3,303,000	2,448,000	−855,000
Copyright Office: Salaries and expenses		469,000	141,000	−328,000
Congressional Research Service: Salaries and expenses		1,442,000	1,012,000	−430,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Books for the blind and physically handicapped: Salaries and expenses		$131,000		−$131,000
Collection and distribution of library materials *(special foreign currency program)*		13,000		−13,000
Total, Library of Congress		5,358,000	$3,601,000	−1,757,000
GOVERNMENT PRINTING OFFICE				
Office of Superintendent of Documents: Salaries and expenses		126,000		−126,000
GENERAL ACCOUNTING OFFICE				
Salaries and expenses		5,649,000	4,549,000	−1,100,000
Total, Legislative Branch		31,405,000	26,727,000	−4,678,000
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Salaries and expenses		347,000		−347,000
Care of the building and grounds		23,000		−23,000
Total, Supreme Court of the United States		370,000		−370,000
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
Salaries and expenses		137,000		−137,000
(By transfer)			*(50,000)*	*(+50,000)*
UNITED STATES COURT OF INTERNATIONAL TRADE				
Salaries and expenses		151,000		−151,000
(By transfer)			*(50,000)*	*(+50,000)*
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries of judges		3,370,000		−3,370,000
(By transfer)			*(3,775,000)*	*(+3,775,000)*
Salaries of supporting personnel		11,960,000		−11,960,000
(By transfer)			*(2,500,000)*	*(+2,500,000)*
Defender services		465,000		−465,000
(By transfer)			*(465,000)*	*(+465,000)*
Bankruptcy courts, Salaries and expenses		3,400,000		−3,400,000
(By transfer)			*(3,400,000)*	*(+3,400,000)*
Total, Courts of Appeals, District Courts, and other Judicial Services		19,195,000		−19,195,000
(By transfer)			*(10,140,000)*	*(+10,140,000)*
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses		553,000		−553,000
FEDERAL JUDICIAL CENTER				
Salaries and expenses		120,000		−120,000
(By transfer)			*(120,000)*	*(+120,000)*
Total, The Judiciary		20,526,000		−20,526,000
(By transfer)			*(10,360,000)*	*(+10,360,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
EXECUTIVE OFFICE OF THE PRESIDENT				
THE WHITE HOUSE OFFICE				
Salaries and expenses		$596,000	$356,000	−$240,000
EXECUTIVE RESIDENCE AT THE WHITE HOUSE				
Operating expenses		82,000	82,000	
SPECIAL ASSISTANCE TO THE PRESIDENT				
Salaries and expenses		13,000		−13,000
COUNCIL OF ECONOMIC ADVISERS				
Salaries and expenses		29,000		−29,000
OFFICE OF POLICY DEVELOPMENT				
Salaries and expenses		43,000		−43,000
NATIONAL SECURITY COUNCIL				
Salaries and expenses		55,000		−55,000
OFFICE OF ADMINISTRATION				
Salaries and expenses		162,000		−162,000
OFFICE OF MANAGEMENT AND BUDGET				
Salaries and expenses		806,000	403,000	−403,000
OFFICE OF SCIENCE AND TECHNOLOGY POLICY				
Salaries and expenses		38,000		−38,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE				
Salaries and expenses		128,000	128,000	
Total, Executive Office of the President		1,952,000	969,000	−983,000
FUNDS APPROPRIATED TO THE PRESIDENT				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Operating expenses of the Agency for International Development		4,790,000	4,790,000	
DEPARTMENT OF AGRICULTURE				
Office of the Secretary		99,000	50,000	−49,000
Departmental Administration		283,000	283,000	
Office of Governmental and Public Affairs		59,000	59,000	
Office of the Inspector General		417,000	417,000	
Office of the General Counsel		330,000	330,000	
Agricultural Research Service			3,448,000	+3,448,000
National Agricultural Library		59,000	59,000	
Animal and Plant Health Inspection Service			2,344,000	+2,344,000
Agricultural Cooperative Service			38,000	+38,000
Economic Research Service	98-252	233,000	488,000	+255,000
Statistical Reporting Service		527,000	527,000	
World Agricultural Outlook Board		33,000	33,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Foreign Agricultural Service		$266,000	$266,000	
General Sales Manager *(transfer from Commodity Credit Corporation)*		*(45,000)*	*(45,000)*	
Rural Electrification Administration				
Salaries and expenses		320,000	320,000	
Farmers Home Administration				
Salaries and expenses		3,254,000	3,254,000	
Office of the Rural Development Policy		17,000	17,000	
Total, Farmers Home Administration		3,271,000	3,271,000	
Soil Conservation Service				
Conservation Operations			8,138,000	+$8,138,000
(By transfer)		*(8,138,000)*		*(−8,138,000)*
Agricultural Marketing Service				
Funds for strengthening markets, income and supply (section 32), *(increase in limitation on marketing agreements and orders)*		— *(58,000)*	*(58,000)*	
Salaries and expenses			301,000	+301,000
Office of Transportation		26,000	26,000	
Total, Agricultural Marketing Service:				
New budget *(obligational)* authority		26,000	327,000	+301,000
(Increase in limitation)		*(58,000)*	*(58,000)*	
Food Safety and Inspection Service				
Salaries and expenses	98-252	5,112,000	5,112,000	
Food and Nutrition Service				
Food Program Administration		1,710,000	1,710,000	
Human Nutrition Information Service		34,000	34,000	
Total, Food and Nutrition Service		1,744,000	1,744,000	
Forest Service				
Forest research *(by transfer)*		*(848,000)*	*(848,000)*	
National forest system *(by transfer)*		*(9,769,000)*	*(9,769,000)*	
State and private forestry *(by transfer)*		*(174,000)*	*(174,000)*	
Land acquisition *(by transfer)*		*(23,000)*	*(23,000)*	
Total, Forest Service *(by transfer)*		*(10,814,000)*	*(10,814,000)*	
Total, Department of Agriculture:				
New budget *(obligational)* authority		12,779,000	27,254,000	+14,475,000
(By transfer)		*(18,952,000)*	*(10,814,000)*	*(−8,138,000)*
(Transfer from Commodity Credit Corporation)		*(45,000)*	*(45,000)*	
(Section 32—increase in limitation)		*(58,000)*	*(58,000)*	
DEPARTMENT OF COMMERCE				
General Administration				
Salaries and expenses *(by transfer)*		*(516,000)*	*(516,000)*	
Bureau of the Census				
Salaries and expenses *(by transfer)*		*(700,000)*	*(700,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Economic Development Administration				
Salaries and expenses		$220,000	$220,000	
International Trade Administration				
Operations and administration		1,948,000	975,000	−$973,000
Minortiy Business Development Agency				
Minority business development *(by transfer)*		*(205,000)*	*(205,000)*	
National Oceanic and Atmospheric Administration				
Operations, research and facilities			11,800,000	+11,800,000
Patent and Trademark Office				
Salaries and expenses		1,200,000	1,200,000	
National Bureau of Standards				
Scientific and technical research and services *(by transfer)*		*(1,659,000)*	*(1,659,000)*	
National Telecommunications and Information Administration				
Salaries and expenses *(by transfer)*		*(100,000)*	*(100,000)*	
Total, Department of Commerce:				
New budget *(obligational)* authority		3,368,000	14,195,000	+10,827,000
(By transfer)		*(3,180,000)*	*(3,180,000)*	
DEPARTMENT OF DEFENSE—MILITARY				
Military Personnel				
Military personnel, Army	98-141	373,200,000	337,100,000	−36,100,000
Military personnel, Navy	98-141	279,630,000	244,630,000	−35,000,000
(Transfer from other accounts)			*(30,000,000)*	*(+30,000,000)*
Military personnel, Marine Corps	98-141	85,710,000	83,710,000	−2,000,000
Military personnel, Air Force	98-141	328,060,000	287,360,000	−40,700,000
Reserve personnel, Army	98-141	34,280,000		−34,280,000
Reserve personnel, Navy	98-141	17,700,000	17,700,000	
Reserve personnel, Marine Corps	98-141	3,400,000		−3,400,000
Reserve personnel, Air Force	98-141	8,750,000	8,750,000	
National Guard personnel, Army	98-141	49,860,000		−49,860,000
National Guard personnel, Air Force	98-141	15,040,000		−15,040,000
Total, Military Personnel:				
New budget *(obligational)* authority		1,195,630,000	979,250,000	−216,380,000
(By transfer)			*(30,000,000)*	*(+30,000,000)*
Operation and Maintenance				
Operation and maintenance, Army	98-141 98-229	173,130,000	161,330,000	−11,800,000
Operation and maintenance, Navy	98-141 98-229	210,710,000	198,410,000	−12,300,000
Operation and maintenance, Marine Corps	98-141 98-229	9,520,000	8,920,000	−600,000
Operation and maintenance, Air Force	98-141 98-229	109,100,000	102,050,000	−7,050,000
Operation and maintenance, Defense Agencies	98-141 98-229	105,862,000	80,862,000	−25,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Operation and maintenance, Army Reserve	98-141 98-229	$7,740,000	$7,240,000	−$500,000
Operation and maintenance, Navy Reserve	98-141 98-229	1,690,000	1,590,000	−100,000
Operation and maintenance, Marine Corps Reserve	98-141 98-229	220,000	220,000	
Operation and maintenance, Air Force Reserve	98-141 98-229	7,400,000	6,950,000	−450,000
Operation and maintenance, Army National Guard	98-141 98-229	14,850,000	13,900,000	−950,000
Operation and maintenance, Air National Guard	98-141 98-229	16,800,000	15,750,000	−1,050,000
National Board for the Promotion of Rifle Practice, Army	98-141	10,000	10,000	
Total, Operation and Maintenance		657,032,000	597,232,000	−59,800,000
FAMILY HOUSING				
Family housing, Army	98-141 98-229	3,830,000		−3,830,000
Family housing, Navy	98-141 98-229	2,030,000		−2,030,000
Family housing, Air Force	98-141 98-229	1,130,000		−1,130,000
Total, Family Housing		6,990,000		−6,990,000
Total, Department of Defense—Military:				
New budget *(obligational)* authority		1,859,652,000	1,576,482,000	−283,170,000
(By transfer)			*(30,000,000)*	*(+30,000,000)*
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CEMETERIAL EXPENSES, ARMY				
Salaries and expenses		99,000	99,000	
CORPS OF ENGINEERS—CIVIL				
General investigations *(by transfer)*		*(2,000,000)*	*(2,000,000)*	
General expenses *(by transfer)*		*(2,800,000)*	*(2,800,000)*	
Total, Corps of Engineers—Civil *(by transfer)*		*(4,800,000)*	*(4,800,000)*	
SOLDIERS' AND AIRMEN'S HOME				
Operation and maintenance		362,000	362,000	
Total, Department of Defense—Civil:				
New budget *(obligational)* authority		461,000	461,000	
(By transfer)		*(4,800,000)*	*(4,800,000)*	
DEPARTMENT OF EDUCATION				
DEPARTMENTAL MANAGEMENT				
Office of the Inspector General *(by transfer)*		*(255,000)*	*(255,000)*	
DEPARTMENT OF ENERGY				
Energy Information Administration		521,000	521,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Economic regulation		$575,000	$575,000	
Federal Energy Regulatory Commission		1,731,000		−$1,731,000
Total, Department of Energy		2,827,000	1,096,000	−1,731,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses		6,478,000	6,478,000	
(By transfer)		*(890,000)*	*(890,000)*	
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Health resources and services *(by transfer)*		*(3,270,000)*		*(−3,270,000)*
Indian health services			1,500,000	+1,500,000
(By transfer)		*(6,904,000)*	*(6,904,000)*	
CENTERS FOR DISEASE CONTROL				
Disease control *(by transfer)*		*(4,235,000)*	*(4,235,000)*	
NATIONAL INSTITUTES OF HEALTH				
National Cancer Institute			2,278,000	+2,278,000
National Heart, Lung, and Blood Institute			1,742,000	+1,742,000
National Institute of Dental Research			511,000	+511,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases			1,448,000	+1,448,000
National Institute of Neurological and Communicative Disorders and Stroke			678,000	+678,000
National Institute of Allergy and Infectious Diseases			1,329,000	+1,329,000
National Institute of General Medical Sciences			293,000	+293,000
National Institute of Child Health and Human Development			867,000	+867,000
National Eye Institute			448,000	+448,000
National Institute of Environmental Health Sciences			791,000	+791,000
National Institute on Aging			371,000	+371,000
Research Resources			141,000	+141,000
John E. Fogarty International Center *(by transfer)*		*(71,000)*	*(71,000)*	
National Library of Medicine *(by transfer)*		*(607,000)*	*(607,000)*	
Office of the Director *(by transfer)*		*(616,000)*	*(616,000)*	
Total, National Institutes of Health:				
New budget *(obligational)* authority			10,897,000	+10,897,000
(By transfer)		*(1,294,000)*	*(1,294,000)*	
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION				
Alcohol, Drug Abuse, and Mental Health			634,000	+634,000
(By transfer)		*(985,000)*	*(985,000)*	
Federal Subsidy for Saint Elizabeths Hospital *(by transfer)*		*(2,082,000)*	*(2,082,000)*	
Total, Alcohol, Drug Abuse, and Mental Health Administration:				
New budget *(obligational)* authority			634,000	+634,000
(By transfer)		*(3,067,000)*	*(3,067,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HEALTH				
Public Health Service management *(by transfer)*		*($1,084,000)*		*(−$1,084,000)*
SOCIAL SECURITY ADMINISTRATION				
Low income home energy assistance *(by transfer)*		*(44,000)*	*($44,000)*	
Refugee and entrant assistance *(by transfer)*		*(104,000)*	*(104,000)*	
Total, Social Security Administration *(by transfer)*		*(148,000)*	*(148,000)*	
OFFICE OF COMMUNITY SERVICES				
Community services block grant *(by transfer)*		*(69,000)*	*(69,000)*	
DEPARTMENTAL MANAGEMENT				
Office of the Inspector General *(by transfer)*		*(1,474,000)*	*(1,474,000)*	
Office of Consumer Affairs		35,000		−35,000
Total, Department of Health and Human Services:				
New budget *(obligational)* authority		6,513,000	19,509,000	+12,996,000
(By transfer)		*(22,435,000)*	*(18,081,000)*	*(−4,354,000)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
MANAGEMENT AND ADMINISTRATION				
Salaries and expenses, Department of Housing and Urban Development *(by transfer, FHA funds)*		*(7,522,000)*		*(−7,522,000)*
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources			6,023,000	+6,023,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management			4,446,000	+4,446,000
NATIONAL PARK SERVICE				
Operation of the national park system			9,195,000	+9,195,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research			4,242,000	+4,242,000
MINERALS MANAGEMENT SERVICE				
Leasing and royalty management		1,064,000	1,064,000	
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology		470,000	470,000	
BUREAU OF RECLAMATION				
General investigations		226,000	226,000	
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs		5,871,000	5,871,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Office of Territorial and International Affairs				
Administration of territories		$54,000	$54,000	
Departmental Offices				
Office of the Secretary		200,000		−$200,000
(By transfer)		*(300,000)*		*(−300,000)*
Office of the Solicitor		220,000		−220,000
Office of Inspector General		387,000		−387,000
Total, Department of the Interior		8,492,000	31,591,000	+23,099,000
(By transfer)		*(300,000)*		*(−300,000)*
DEPARTMENT OF JUSTICE				
General Administration				
Salaries and expenses		1,025,000	1,025,000	
United States Parole Commission				
Salaries and expenses		161,000	161,000	
Legal Activities				
Salaries and expenses, general legal activities		3,370,000	3,370,000	
Salaries and expenses, Antitrust Division		754,000	754,000	
Salaries and expenses, Foreign Claims Settlement Commission		16,000	16,000	
Salaries and expenses, United States Attorneys and Marshals		7,360,000	7,360,000	
Salaries and expenses, Community Relations Service		131,000	131,000	
Total, Legal Activities		11,631,000	11,631,000	
Interagency Law Enforcement				
Organized Crime Drug Enforcement		1,132,000	1,132,000	
Federal Bureau of Investigation				
Salaries and expenses		16,936,000	16,936,000	
Drug Enforcement Administration				
Salaries and expenses		4,500,000	4,500,000	
Immigration and Naturalization Service				
Salaries and expenses		9,381,000	9,381,000	
Federal Prison System				
Salaries and expenses		7,506,000	7,506,000	
Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated *(increase in limitation)*		*(84,000)*	*(84,000)*	
Office of Justice Assistance				
Research and Statistics *(by transfer)*		*(296,000)*	*(296,000)*	
Total, Department of Justice:				
New budget *(obligational)* authority		52,272,000	52,272,000	
(By transfer)		*(296,000)*	*(296,000)*	
(Increase in limitation)		*(84,000)*	*(84,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Program administration		$538,000		−$538,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION				
Salaries and expenses		580,000		−580,000
EMPLOYMENT STANDARDS ADMINISTRATION				
Salaries and expenses		2,806,000	$2,806,000	
(Trust fund transfer)		*(9,000)*	*(9,000)*	
Black lung disability trust fund		328,000	328,000	
Total, Employment Standards Administration:				
New budget *(obligational)* authority		3,134,000	3,134,000	
(Trust fund transfer)		*(9,000)*	*(9,000)*	
DEPARTMENTAL MANAGEMENT				
Salaries and expenses		955,000	500,000	−455,000
(Trust fund transfer)		*(108,000)*	*(108,000)*	
Office of the Inspector General		293,000	293,000	
Total, Departmental Management:				
New budget *(obligational)* authority		1,248,000	793,000	−455,000
(Trust fund transfer)		*(108,000)*	*(108,000)*	
Total, Department of Labor:				
New budget *(obligational)* authority		5,500,000	3,927,000	−1,573,000
(Trust fund transfer)		*(117,000)*	*(117,000)*	
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses		10,196,000	10,196,000	
INTERNATIONAL COMMISSIONS				
International Boundary and Water Commission, United States and Mexico: Salaries and expenses		125,000	125,000	
American sections, International Commissions		38,000	38,000	
Total, International Commissions		163,000	163,000	
Total, Department of State		10,359,000	10,359,000	
DEPARTMENT OF TRANSPORTATION				
FEDERAL HIGHWAY ADMINISTRATION				
Motor carrier safety		114,000		−114,000
(By transfer)			*(100,000)*	*(+100,000)*
Limitation on general operating expenses *(increase in limitation)*		*(2,648,000)*	*(1,700,000)*	*(−948,000)*
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION				
Operations and research		327,000	300,000	−27,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL RAILROAD ADMINISTRATION				
Office of the administrator *(by transfer)*		*($174,000)*	*($174,000)*	...
Railroad safety *(by transfer)*		*(404,000)*	...	*(−$404,000)*
Total, Federal Railroad Administration *(by transfer)*		*(578,000)*	*(174,000)*	*(−404,000)*
URBAN MASS TRANSPORTATION ADMINISTRATION				
Administrative expenses		246,000	...	−246,000
(By transfer)		...	*(200,000)*	*(+200,000)*
FEDERAL AVIATION ADMINISTRATION				
Operations		42,432,000	30,000,000	−12,432,000
(By transfer)		...	*(5,000,000)*	*(+5,000,000)*
Operation and maintenance, Metropolitan Washington Airports *(by transfer)*		*(276,700)*	*(276,700)*	...
Total, Federal Aviation Administration:				
New budget *(obligational)* authority		42,432,000	30,000,000	−12,432,000
(By transfer)		*(276,700)*	*(5,276,700)*	*(+5,000,000)*
COAST GUARD				
Operating expenses		10,540,000	9,000,000	−1,540,000
(By transfer)		*(6,542,000)*	*(7,000,000)*	*(+458,000)*
Reserve training *(by transfer)*		*(550,000)*	*(550,000)*	...
Total, Coast Guard:				
New budget *(obligational)* authority		10,540,000	9,000,000	−1,540,000
(By transfer)		*(7,092,000)*	*(7,550,000)*	*(+458,000)*
OFFICE OF THE INSPECTOR GENERAL				
Salaries and expenses		410,000	...	−410,000
OFFICE OF THE SECRETARY				
Salaries and expenses		450,000	...	−450,000
(By transfer)		*(160,000)*	*(300,000)*	*(+140,000)*
Total, Department of Transportation:				
New budget *(obligational)* authority		54,519,000	39,300,000	−15,219,000
(By transfer)		*(8,106,700)*	*(13,600,700)*	*(+5,494,000)*
(Increase in limitation)		*(2,648,000)*	*(1,700,000)*	*(−948,000)*
DEPARTMENT OF THE TREASURY				
OFFICE OF THE SECRETARY				
Salaries and expenses		1,409,000	1,409,000	...
OFFICE OF REVENUE SHARING				
Salaries and expenses		150,000	...	−150,000
FEDERAL LAW ENFORCEMENT TRAINING CENTER				
Salaries and expenses		183,000	183,000	...
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS				
Salaries and expenses		2,293,000	2,293,000	...

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES CUSTOMS SERVICE				
Salaries and expenses	98-229	$11,538,000	$11,538,000	
INTERNAL REVENUE SERVICE				
Salaries and expenses		1,694,000	1,694,000	
Taxpayer service and returns processing		13,150,000	13,150,000	
Examinations and appeals		26,310,000	26,310,000	
Investigations and collections		19,676,000	19,676,000	
Total, Internal Revenue Service		60,830,000	60,830,000	
UNITED STATES SECRET SERVICE				
Salaries and expenses	98-229	1,597,000	1,597,000	
Total, Department of the Treasury		78,000,000	77,850,000	−$150,000
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses			4,900,000	+4,900,000
(By transfer)		*(3,500,000)*		*(−3,500,000)*
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and program management		20,000,000	17,582,000	−2,418,000
OFFICE OF PERSONNEL MANAGEMENT				
Salaries and expenses *(by transfer)*		*(898,000)*	*(898,000)*	
SMALL BUSINESS ADMINISTRATION				
Salaries and expenses		1,900,000	1,900,000	
(By transfer)			*(2,000,000)*	*(+2,000,000)*
VETERANS ADMINISTRATION				
Medical care		118,688,000	158,688,000	+40,000,000
Medical and prosthetic research		1,381,000	1,381,000	
Medical administration and miscellaneous operating expenses		451,000		−451,000
General operating expenses		7,811,000		−7,811,000
Construction minor projects *(limitation on admisitrative expenses)*		*(668,000)*	*(334,000)*	*(−334,000)*
Total, Veterans Administration:				
New budget *(obligational)* authority		128,331,000	160,069,000	+31,738,000
(Limitation on administrative expenses)		*(668,000)*	*(334,000)*	*(−334,000)*
OTHER INDEPENDENT AGENCIES				
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES				
Salaries and expenses		23,000	23,000	
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses		15,000	15,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Arms Control and Disarmament Agency				
Salaries and expenses		$128,000	$128,000	
Civil Aeronautics Board				
Salaries and expenses		514,000		−$514,000
(By transfer)			*(714,000)*	*(+714,000)*
Commission of Fine Arts				
Salaries and expenses		3,000		−3,000
Commission on Civil Rights				
Salaries and expenses		123,000	123,000	
Commodity Futures Trading Commission				
Commodity Futures Trading Commission		339,000	339,000	
Consumer Product Safety Commission				
Salaries and expenses			250,000	+250,000
Equal Employment Opportunity Commission				
Salaries and expenses		2,640,000	2,640,000	
Farm Credit Administration				
(Increase in limitation on administrative expenses)	98-236	*(241,000)*		*(−241,000)*
Federal Communications Commission				
Salaries and expenses		1,053,000	1,900,000	+847,000
Federal Election Commission				
Salaries and expenses		95,000	95,000	
Federal Emergency Management Agency				
Salaries and expenses		1,064,000	1,424,000	+360,000
(By transfer)	98-229	*(1,414,000)*	*(707,000)*	*(−707,000)*
Federal Labor Relations Authority				
Salaries and expenses		168,000	168,000	
Federal Maritime Commission				
Salaries and expenses	98-229	221,000	190,000	−31,000
Federal Mediation and Conciliation Service				
Salaries and expenses		97,000	97,000	
Federal Trade Commission				
Salaries and expenses		650,000	650,000	
Intelligence Community Staff				
Intelligence Community Staff		144,000	144,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H Doc 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
INTERGOVERNMENTAL AGENCIES				
ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS				
Salaries and expenses		$16,000	$16,000	
INTERNATIONAL TRADE COMMISSION				
Salaries and expenses	98-229	529,000	464,000	−$65,000
MERIT SYSTEMS PROTECTION BOARD				
Salaries and expenses		273,000	273,000	
Office of Special Counsel, Salaries and expenses		85,000	85,000	
Total, Merit Systems Protection Board		358,000	358,000	
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses		28,000	28,000	
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts: Salaries and expenses		123,000	123,000	
National Endowment for the Humanities: Salaries and expenses		118,000	118,000	
Total, National Foundation on the Arts and the Humanities		241,000	241,000	
NATIONAL LABOR RELATIONS BOARD				
Salaries and expenses		1,395,000		−1,395,000
NATIONAL SCIENCE FOUNDATION				
Research and related activities		655,000	460,000	−195,000
Program development and management *(limitation on administrative expenses)*		*(1,310,000)*	*(460,000)*	*(−850,000)*
United States Anarctic program activities		356,000	356,000	
Total, National Science Foundation:				
New budget *(obligational)* authority		1,011,000	816,000	−195,000
(Limitation on administrative expenses)		*(1,310,000)*	*(460,000)*	*(−850,000)*
NATIONAL TRANSPORTATION SAFETY BOARD				
Salaries and expenses		194,000	190,000	−4,000
NUCLEAR REGULATORY COMMISSION				
Salaries and expenses		2,100,000		−2,100,000
SECURITIES AND EXCHANGE COMMISSION				
Salaries and expenses		1,320,000	1,000,000	−320,000
SELECTIVE SERVICE SYSTEM				
Salaries and expenses		394,000	369,000	−25,000
SMITHSONIAN INSTITUTION				
Salaries and expenses		1,420,000	1,420,000	
Salaries and expenses, National Gallery of Art		243,000		−243,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 1ST SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 98-139 as amended by:	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Salaries and expenses, Woodrow Wilson International Center for Scholars		$18,000	$18,000	
Total, Smithsonian Institution		1,681,000	1,438,000	−$243,000
Total, Other Independent Agencies:				
New budget *(obligational)* authority		16,544,000	13,106,000	−3,438,000
(By transfer)		*(1,414,000)*	*(1,421,000)*	*(+7,000)*
(Increase in limitation)		*(1,551,000)*	*(460,000)*	*(−1,091,000)*
OTHER TEMPORARY COMMISSIONS				
Navajo and Hopi Indian Relocation Commission: Salaries and expenses		22,000	22,000	
UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
United States Holocaust Memorial Council		11,000	11,000	
UNITED STATES INFORMATION AGENCY				
Salaries and expenses		5,417,000	3,160,000	−2,257,000
Radio broadcasting to Cuba		100,000		−100,000
Total, United States Information Agency		5,517,000	3,160,000	−2,357,000
UNITED STATES TAX COURT				
Salaries and expenses		400,000	400,000	
Total, title II—Increased Pay Costs:				
New budget *(obligational)* authority		2,326,140,000	2,087,932,000	−238,208,000
(By transfer)		*(71,658,700)*	*(95,705,700)*	*(+24,047,000)*
(Transfer from Commodity Credit Corporation)		*(45,000)*	*(45,000)*	
(Increase in limitations)		*(84,000)*	*(84,000)*	
(Section 32—increase in limitation)		*(58,000)*	*(58,000)*	
(Trust fund transfer)		*(117,000)*	*(117,000)*	
(Limitation on administrative expenses)		*(4,867,000)*	*(2,494,000)*	*(−2,373,000)*

TITLE III—GENERAL PROVISIONS

DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Sec. 303a, Construction, general			8,500,000	+8,500,000
Total, Title III, General Provisions:				
New budget *(obligational)* authority			8,500,000	+8,500,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

SUMMARY

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—GENERAL SUPPLEMENTALS				
Chapter I:				
Agriculture:				
New budget *(obligational)* authority		$1,000,000,000	$1,029,567,000	+$29,567,000
Appropriations		(900,000,000)	(979,567,000)	(+79,567,000)
Authority to borrow		(100,000,000)		(−100,000,000)
Subscription to capital stock			(50,000,000)	(+50,000,000)
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
Chapter II:				
Commerce, Justice, State and the Judiciary:				
New budget *(obligational)* authority		73,380,000	120,340,000	+46,960,000
(By transfer)		*(19,457,000)*	*(20,457,000)*	*(+1,000,000)*
Chapter III:				
Defense:				
New budget *(obligational)* authority		356,900,000	331,900,000	−25,000,000
(By transfer)			*(52,000,000)*	*(+52,000,000)*
Chapter IV:				
Energy and Water Development:				
New budget *(obligational)* authority		157,600,000	15,000,000	−142,600,000
Chapter V:				
Housing and Urban Development—Independent Agencies:				
New budget *(obligational)* authority *(net)*		541,188,000	481,868,000	−59,320,000
Appropriations		(541,188,000)	(686,138,000)	(+144,950,000)
Contract authority			(150,000,000)	(+150,000,000)
Rescission of contract authority, indefinite		*(−354,270,000)*	(−354,270,000)	[1](−354,270,000)
(Limitation on contract authority)			*(15,000,000)*	*(+15,000,000)*
(Rescission of limitation of contract authority, indefinite)		*(−21,912,000)*	*(−21,912,000)*	
(Limitation on administrative expenses)		*(66,989,000)*	*(66,989,000)*	
Chapter VI:				
Interior and Related Agencies:				
New budget *(obligational)* authority *(net)*		589,141,000	662,828,000	+73,687,000
Appropriations		(589,141,000)	(692,828,000)	(+103,687,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(26,914,000)*	*(17,820,000)*	*(−9,094,000)*
Chapter VII:				
Labor, Health and Human Services, and Education:				
New budget *(obligational)* authority		58,200,000	260,848,000	+202,648,000
Appropriations, fiscal year 1984		(58,200,000)	(210,848,000)	(+152,648,000)
Appropriations, fiscal year 1985			(20,500,000)	(+20,500,000)
Appropriations, fiscal year 1986			(29,500,000)	(+29,500,000)
(By transfer)		*(13,923,000)*	*(6,717,000)*	*(−7,206,000)*
(Trust fund transfer)		*(4,000,000)*		*(−4,000,000)*
Chapter VIII:				
Legislative Branch:				
New budget *(obligational)* authority		183,291,000	143,459,000	−39,832,000
Appropriations, fiscal year 1984		(183,240,000)	(143,480,000)	(−39,760,000)
Appropriations, fiscal year 1985		(51,000)	(51,000)	
Rescission, fiscal year 1985			(−72,000)	(−72,000)
(Increase in limitation)		*(2,100,000)*	*(1,900,000)*	*(−200,000)*

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[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

SUMMARY—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Chapter IX:				
Military Construction:				
New budget *(obligational)* authority		$85,000,000	$74,000,000	−$11,000,000
Chapter X:				
Transportation:				
New budget *(obligational)* authority		143,475,000	118,100,000	−25,375,000
Appropriations		(1,658,025,000)	(1,658,025,000)	
Rescissions		*(−25,375,000)*	(−25,375,000)	[1](−25,375,000)
Appropriation for debt reduction		(−1,514,550,000)	(−1,514,550,000)	
(By transfer)		*(21,258,000)*	*(21,000,000)*	*(−258,000)*
Chapter XI:				
Treasury, Postal Service & General Government:				
New budget *(obligational)* authority		239,711,000	239,481,000	−230,000
(By transfer)			*(3,000,000)*	*(+3,000,000)*
(Limitation on availability of revenue)		*(50,000)*	*(50,000)*	
Chapter XII:				
Foreign Operations:				
New budget *(obligational)* authority		944,024,170	602,922,000	−341,102,170
(Limitation on callable capital subscriptions)		*(794,500,113)*		*(−794,500,113)*
Chapter XIII:				
District of Columbia:				
District of Columbia funds *(net)*		*(14,374,000)*	*(14,373,700)*	*(−300)*
Operating expenses		*(43,890,000)*	*(35,991,000)*	*(−7,899,000)*
Rescissions		*(−29,516,000)*	*(−21,617,300)*	*(+7,898,700)*
(By transfer)			*(12,719,800)*	*(+12,719,800)*
Total, title I—General Supplementals:				
New budget *(obligational)* authority *(net)*		4,371,910,170	4,080,313,000	−291,597,170
Appropriations, fiscal year 1984 *(net)*		(4,371,859,170)	(4,030,334,000)	(−341,525,170)
Appropriations		[2](5,786,409,170)	[2](5,754,529,000)	(−31,880,170)
Authority to borrow		(100,000,000)		(−100,000,000)
Subscription to capital stock			(50,000,000)	(+50,000,000)
Appropriations for debt reduction		(−1,514,550,000)	(−1,514,550,000)	
Contract authority			(150,000,000)	(+150,000,000)
Rescissions		*(−25,375,000)*	(−25,375,000)	[1](−25,375,000)
Rescission of contract authority, indefinite		*(−354,270,000)*	(−384,270,000)	[1](−384,270,000)
Appropriations, fiscal year 1985 *(net)*		(51,000)	(20,479,000)	(+20,428,000)
Appropriations		(51,000)	(20,551,000)	(+20,500,000
Rescission			(−72,000)	(−72,000)
Appropriations, fiscal year 1986			(29,500,000)	(+29,500,000)
(Loan authority)			*(175,000,000)*	*(+175,000,000)*
(Rescission of limitation on contract authority, indefinite)		*(−21,912,000)*	*(−21,912,000)*	
(Trust fund transfer)		*(4,000,000)*		*(−4,000,000)*
(By transfer)		*(81,552,000)*	*(120,994,000)*	*(+39,442,000)*
(Limitation on contract authority)			*(15,000,000)*	*(+15,000,000)*
(Limitation on callable capital subscriptions)		*(794,500,113)*		*(−794,500,113)*
(Limitation on availability of revenue)		*(50,000)*	*(50,000)*	
(Increase in limitation on administrative expenses)		*(69,089,000)*	*(68,889,000)*	*(−200,000)*
(District of Columbia funds) (net)		*(14,374,000)*	*(14,373,700)*	*(−300)*

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[1] Reflects actual rescission rather than comparison with request.

[2] Includes $1,648,025,000 in "indefinite" interest payments.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984, PUBLIC LAW 98-396, APPROVED AUGUST 22, 1984—Continued

SUMMARY—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1984	New budget (obligational) authority appropriated, 1984	Increase (+) or decrease (−), appropriations compared with estimates
Total, Title II—Increased Pay Costs:				
New budget *(obligational)* authority		$2,326,140,000	$2,087,932,000	−$238,208,000
(By transfer)		*(71,658,700)*	*(95,705,700)*	*(+24,047,000)*
(Transfer from Commodity Credit Corporation)		*(45,000)*	*(45,000)*	....
(Increase in limitations)		*(84,000)*	*(84,000)*	....
(Section 32—increase in limitation)		*(58,000)*	*(58,000)*	....
(Trust fund transfer)		*(117,000)*	*(117,000)*	....
(Limitation on administrative expenses)		*(4,867,000)*	*(2,494,000)*	*(−2,373,000)*
Total, Title III—General Provisions:				
New budget *(obligational)* authority		....	8,500,000	+8,500,000
Grand total, titles I, II, and III:				
New budget *(obligational)* authority *(net)*		6,698,050,170	6,176,745,000	−521,305,170
Appropriations, fiscal year 1984 *(net)*		(6,697,999,170)	(6,126,766,000)	(−571,233,170)
Appropriations		[1](8,112,549,170)	[1](7,850,961,000)	(−261,588,170)
Authority to borrow		(100,000,000)	....	(−100,000,000)
Subscription to capital stock		....	(50,000,000)	(+50,000,000)
Appropriations for debt reduction		(−1,514,550,000)	(−1,514,550,000)	....
Contract authority		....	(150,000,000)	(+150,000,000)
Rescissions		*(−25,375,000)*	(−25,375,000)	[2](−25,375,000)
Rescission of contract authority, indefinite		*(−354,270,000)*	(−384,270,000)	[2](−384,270,000)
Appropriations, fiscal year 1985 *(net)*		(51,000)	(20,479,000)	(+20,428,000)
Appropriations		(51,000)	(20,551,000)	(+20,500,000
Rescission		....	(−72,000)	(−72,000)
Appropriations, fiscal year 1986		....	(29,500,000)	(+29,500,000)
(Loan authority)		....	*(175,000,000)*	*(+175,000,000)*
(Rescission of limitation on contract authority, indefinite)		*(−21,912,000)*	*(−21,912,000)*	....
(By transfer)		*(153,210,700)*	*(216,699,700)*	*(+63,489,000)*
(Limitation on indefinite contract authority)		....	*(15,000,000)*	*(+15,000,000)*
(Limitation on availability of revenue)		*(50,000)*	*(50,000)*	....
(Increase in limitation on administrative expenses)		*(73,956,000)*	*(71,383,000)*	*(- 2,573,000)*
(District of Columbia funds) (net)		*(14,374,000)*	*(14,373,700)*	*(−300)*
(Transfer from Commodity Credit Corporation)		*(45,000)*	*(45,000)*	....
(Section 32—increase in limitation)		*(58,000)*	*(58,000)*	....
(Limitation on callable capital subscriptions)		*(794,500,113)*	....	*(−794,500,113)*
(Increase in limitations)		*(84,000)*	*(84,000)*	....
(Trust fund transfer)		*(4,117,000)*	*(117,000)*	*(−4,000,000)*

[1] Includes $1,648,025,000 in "indefinite" interest payments.

[2] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and was passed by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—AGRICULTURAL PROGRAMS			
PRODUCTION, PROCESSING AND MARKETING			
Office of the Secretary	$5,240,000	$5,240,000	
Standard Level User Charges (USDA)	67,254,000	67,254,000	
Advisory Committees (USDA)	1,398,000	1,385,000	−$13,000
Departmental Administration	18,697,000	18,697,000	
Working Capital fund	10,000,000	6,000,000	−4,000,000
Office of Governmental and Public Affairs	7,691,000	7,615,000	−76,000
Office of the Inspector General	30,142,000	30,142,000	
(Transfer from food stamp program)	*(15,924,000)*	*(15,924,000)*	
Total, Office of the Inspector General	*(46,066,000)*	*(46,066,000)*	
Office of the General Counsel	15,142,000	14,929,000	−213,000
(Transfer from food stamp program)	*(723,000)*	*(786,000)*	*(+63,000)*
Federal Grain Inspection Service	6,936,000	6,936,000	
Inspection and Weighing Services *(limitation on administrative expenses, from fees collected)*	*(36,856,000)*	*(36,856,000)*	
Agricultural Research Service	481,040,000	489,022,000	+7,982,000
Special fund *(reappropriation, indefinite)*	2,000,000	2,000,000	
Buildings and facilities		23,050,000	+23,050,000
Scientific activities overseas *(foreign currency program)*	5,000,000	5,000,000	
Cooperative State Research Service	266,785,000	284,276,000	+17,491,000
Extension Service	299,377,000	343,727,000	+44,350,000
National Agricultural Library	11,661,000	11,400,000	−261,000
Total, Research and Extension	1,065,863,000	1,158,475,000	+92,612,000
Animal and Plant Health Inspection Service:			
Salaries and expenses	222,138,000	277,041,000	+54,903,000
Buildings and facilities	2,386,000	2,361,000	−25,000
Total, Animal & Plant Health Inspection Service	224,524,000	279,402,000	+54,878,000
Food Safety and Inspection Service	356,067,000	353,239,000	−2,828,000
Economic Research Service	47,480,000	46,159,000	−1,321,000
Statistical Reporting Service	57,534,000	56,289,000	−1,245,000
Agricultural Cooperative Service	3,565,000	4,639,000	+1,074,000
World Agricultural Outlook Board	1,677,000	1,642,000	−35,000
Agricultural Marketing Service:			
Marketing Services	27,921,000	29,464,000	+1,543,000
(Limitation on administrative expenses, from fees collected)	*(30,910,000)*	*(26,500,000)*	*(−4,410,000)*
Funds for strengthening markets, income, and supply (Section 32) *(by transfer)*		*(5,995,000)*	*(+5,995,000)*
Payments to States and possessions		990,000	+990,000
Office of Transportation	2,540,000	2,515,000	−25,000
Total, Agricultural Marketing Service	30,461,000	32,969,000	+2,508,000

See footnotes at end of table, p. 1871.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)—Continued

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and ~~was passed~~ by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Packers and Stockyards Administration	$9,035,000	$9,035,000	
Total, Production, Processing and Marketing	1,958,706,000	2,100,047,000	+$141,341,000
FARM INCOME STABILIZATION			
Agricultural Stabilization and Conservation Service:			
Salaries and expenses	50,857,000	50,857,000	
(Transfer from Commodity Credit Corporation)	*(339,737,000)*	*(344,199,000)*	*(+4,462,000)*
Total, salaries and expenses, ASCS	*(390,594,000)*	*(395,056,000)*	*(+4,462,000)*
Dairy indemnity program		100,000	+100,000
Total, Agricultural Stabilization and Conservation Service	50,857,000	50,957,000	+100,000
(By transfer)	*(339,737,000)*	*(344,199,000)*	*(+4,462,000)*
CORPORATIONS			
Federal Crop Insurance Corporation:			
Administrative and operating expenses	227,234,000	200,000,000	−27,234,000
Federal crop insurance corporation fund	141,000,000	110,000,000	−31,000,000
Total, Federal Crop Insurance Corporation	368,234,000	310,000,000	−58,234,000
Commodity Credit Corporation:			
Reimbursement for net realized losses *(authority to borrow)*	[2] 8,698,269,000	8,350,000,000	−348,269,000
General Sales Manager *(transfer from Commodity Credit Corporation)*	*(6,025,000)*	*(6,025,000)*	
Total, Farm Income Stabilization:			
New budget *(obligational)* authority	9,117,360,000	8,710,957,000	−406,403,000
(By transfer)	*(345,762,000)*	*(350,224,000)*	*(+4,462,000)*
Total, title I, Agricultural Programs:			
New budget *(obligational)* authority	11,076,066,000	10,811,004,000	−265,062,000
Definite appropriations	(11,074,066,000)	(10,809,004,000)	(−265,062,000)
Indefinite appropriations	(2,000,000)	(2,000,000)	
(By transfer)	*(362,409,000)*	*(372,929,000)*	*(+10,520,000)*
(Limitation on obligations)	*(67,766,000)*	*(63,356,000)*	*(−4,410,000)*
TITLE II—RURAL DEVELOPMENT PROGRAMS			
RURAL DEVELOPMENT ASSISTANCE			
Office of Rural Development Policy:			
Salaries and expenses	2,423,000	2,345,000	−78,000
Farmers Home Administration:			
Rural Housing Insurance Fund:			
Direct loans	*(17,000,000)*	*(17,000,000)*	
Insured loans	*(2,303,000,000)*	*(3,221,000,000)*	*(+918,000,000)*
Collection and servicing contracts *(limitation on obligations)*	*(10,000,000)*	*(10,000,000)*	

See footnotes at end of table, p. 1871.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)—Continued

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and was passed by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Farmers Home Administration—Continued:			
Rural Housing Insurance Fund—Continued:			
Rent supplement authorization		*($116,000,000)*	*(+$116,000,000)*
Reimbursement for interest and other losses	$1,843,927,000	1,843,927,000	
Total, Rural Housing Insurance Fund:			
New budget *(obligational)* authority	1,843,927,000	1,843,927,000	
(Loan authorization)	*(2,320,000,000)*	*(3,354,000,000)*	*(+1,034,000,000)*
(Limitation on obligations)	*(10,000,000)*	*(10,000,000)*	
Self-help land development fund *(loan authorization)*		*(2,700,000)*	*(+2,700,000)*
Agricultural Credit Insurance Fund:			
Real estate loans:			
Insured	*(624,000,000)*	*(676,000,000)*	*(+52,000,000)*
Guaranteed	*(56,000,000)*	*(56,000,000)*	
Total, real estate loans	*(680,000,000)*	*(732,000,000)*	*(+52,000,000)*
Operating loans:			
Insured	*(1,920,000,000)*	*(1,920,000,000)*	
Guaranteed	*(150,000,000)*	*(500,000,000)*	*(+350,000,000)*
Total, operating loans	*(2,070,000,000)*	*(2,420,000,000)*	*(+350,000,000)*
Emergency disaster loans, *(indefinite)*	[3]*(870,000,000)*	[3]*(870,000,000)*	
Reimbursement for interest and other losses	1,089,943,000	1,089,943,000	
Total, Agricultural Credit Insurance Fund:			
New budget *(obligational)* authority	1,089,943,000	1,089,943,000	
(Loan authorization)	*(2,750,000,000)*	*(3,152,000,000)*	*(+402,000,000)*
(Loan authorization, indefinite)	*(870,000,000)*	*(870,000,000)*	
Rural Development Insurance Fund:			
Water and sewer facility loans	*(250,000,000)*	*(340,000,000)*	*(+90,000,000)*
Industrial development loans: Guaranteed		*(150,000,000)*	*(+150,000,000)*
Community facility loans	*(100,000,000)*	*(115,000,000)*	*(+15,000,000)*
Reimbursement for losses	560,005,000	560,005,000	
Total, Rural Development Insurance Fund:			
New budget *(obligational)* authority	560,005,000	560,005,000	
(Loan authorization)	*(350,000,000)*	*(605,000,000)*	*(+255,000,000)*
Rural water and waste disposal grants	90,000,000	115,000,000	+25,000,000
Very low-income housing repair grants		12,500,000	+12,500,000
Mutual and self-help housing		8,000,000	+8,000,000
Rural community fire protection grants		3,250,000	+3,250,000
Compensation for construction defects		1,000,000	+1,000,000
Rural rental assistance payments	116,000,000	52,250,000	−63,750,000
Rural housing preservation grants		5,000,000	+5,000,000

See footnotes at end of table, p. 1871.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)—Continued

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and was passed by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Farmers Home Administration—Continued:			
Salaries and expenses	$327,251,000	$327,251,000	
(Transfer from loan accounts)	*(4,000,000)*	*(4,000,000)*	
Total, salaries and expenses	*(331,251,000)*	*(331,251,000)*	
Total, Farmers Home Administration	4,027,126,000	4,018,126,000	−$9,000,000
Rural Electrification Administration:			
Rural electrification & telephone revolving fund:			
Direct loans:			
Insured loans:			
Electric	[4] *(500,000,000)*	[4] *(850,000,000)*	[4] *(+350,000,000)*
Telephone	[4] *(75,000,000)*	[4] *(250,000,000)*	[4] *(+175,000,000)*
Total, Insured loans	[4] *(575,000,000)*	[4] *(1,100,000,000)*	[4] *(+525,000,000)*
Guaranteed loans:			
Electric	[4] *(1,200,000,000)*	[4] *(1,200,000,000)*	
Telephone	[4] *(125,000,000)*	[4] *(125,000,000)*	
Total, Guaranteed loans	[4] *(1,325,000,000)*	[4] *(1,325,000,000)*	
Reimbursement for interest and other losses		[4] *(215,964,000)*	[4] *(+215,964,000)*
Rural telephone bank		[4] *(30,000,000)*	[4] *(+30,000,000)*
Direct loans *(limitation on obligations)*	[4] *(185,000,000)*	[4] *(185,000,000)*	
Rural communication development fund	841,000	841,000	
Salaries and expenses	30,340,000	30,340,000	
Total, Rural Electrification Administration	31,181,000	31,181,000	
Total, Rural Development Assistance:			
New budget *(obligational)* authority	4,060,730,000	4,051,652,000	−9,078,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(5,420,000,000)*	*(7,113,700,000)*	*(+1,693,700,000)*
(Loan authorization, indefinite)	*(870,000,000)*	*(870,000,000)*	
(Limitation on obligations)	*(10,000,000)*	*(10,000,000)*	
CONSERVATION			
Soil Conservation Service:			
Conservation operations	350,730,000	356,364,000	+5,634,000
River basin surveys and investigations	13,556,000	14,654,000	+1,098,000
Watershed planning	7,898,000	8,750,000	+852,000
Watershed and flood prevention operations	86,079,000	182,300,000	+96,221,000
(Loan authorization)		*(14,000,000)*	*(+14,000,000)*
Resource conservation and development		26,000,000	+26,000,000
(Loan authorization)		*(2,000,000)*	*(+2,000,000)*
Great Plains conservation program	16,773,000	21,315,000	+4,542,000
Total, Soil Conservation Service	475,036,000	609,383,000	+134,347,000

See footnotes at end of table, p. 1871.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)—Continued

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and was passed by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Agricultural Stabilization and Conservation Service:			
Agricultural conservation program	$80,000,000	$190,000,000	+$110,000,000
Forestry incentives program		12,500,000	+12,500,000
Water bank program		8,800,000	+8,800,000
Colorado River Basin Salinity Program	12,550,000		−12,550,000
Total, Agricultural Stabilization and Conservation Service	92,550,000	211,300,000	+118,750,000
Total, Conservation:			
New budget *(obligational)* authority	567,586,000	820,683,000	+253,097,000
(Loan authorization)		*(16,000,000)*	*(+16,000,000)*
Total, title II, Rural Development Programs:			
New budget *(obligational)* authority	4,628,316,000	4,872,335,000	+244,019,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(5,420,000,000)*	*(7,129,700,000)*	*(+1,709,700,000)*
(Loan authorization, indefinite)	*(870,000,000)*	*(870,000,000)*	
(Limitation on obligations)	*(10,000,000)*	*(10,000,000)*	
TITLE III—DOMESTIC FOOD PROGRAMS			
Food and Nutrition Service:			
Child nutrition programs	[5] 1,502,847,000	[6] 1,474,861,000	−27,986,000
Amount available subject to budget request[7]	*(48,700,000)*	*(48,700,000)*	
(By transfer)	*(2,301,833,000)*	*(2,329,819,000)*	*(+27,986,000)*
Total, Child nutrition programs	*(3,804,680,000)*	*(3,804,680,000)*	
Special milk program	17,600,000	17,600,000	
Feeding program for Women, Infants and Children (WIC)	[8] 1,500,000,000	[9] 1,500,000,000	
Amount available subject to budget request[7]	*(245,712,000)*	*(245,712,000)*	
Commodity supplemental food program	23,004,000	24,918,000	+1,914,000
Food stamp program	[10] 11,450,000,000	[11] 11,450,000,000	
Amount available subject to budget request[7]	*(652,427,000)*	*(652,427,000)*	
Nutrition assistance for Puerto Rico	825,000,000	825,000,000	
Food donations programs:			
Needy family program	23,546,000	23,546,000	
Elderly feeding program	116,000,000	116,000,000	
Total, Food donations programs	139,546,000	139,546,000	
Temporary emergency food assistance program	50,000,000	50,000,000	
Food program administration	83,187,000	83,187,000	
Total, Food and Nutrition Service	[12] 15,591,184,000	[13] 15,565,112,000	−26,072,000
Human Nutrition Information Service	7,496,000	7,496,000	
Total, title III, Domestic Food Programs:			
New budget *(obligational)* authority	15,598,680,000	15,572,608,000	−26,072,000
Definite appropriations	(14,651,841,000)	(14,625,769,000)	(−26,072,000)
Subject to budget request[7]	(946,839,000)	(946,839,000)	
(By transfer)	*(2,301,833,000)*	*(2,329,819,000)*	*(+27,986,000)*

See footnotes at end of table, p. 1871.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5743)—Continued

[NOTE.—The Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985 (H.R. 5743) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on May 30, 1984, and was passed by the House on June 6, 1984. H.R. 5743 was enrolled when the conference report was filed in the House on September 25, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 98-473, approved October 12, 1984. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1985 (H.R. 5743), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1071), filed in the House of Representatives on September 25, 1984, as if such Act had been enacted into law. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5743 (see p. 283, this volume, for Sec. 101(a) of Public law 98-473 and pp. 73-100 for text of H.R. 5743).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—INTERNATIONAL PROGRAMS			
Foreign Agricultural Service	$83,291,000	$83,448,000	+$157,000
Public Law 480:			
Title I and III—Credit sales:			
Program level	*(1,021,000,000)*	*(1,021,000,000)*	
Appropriation	705,000,000	705,000,000	
Title II—Commodities for disposition abroad:			
Program level	*(650,000,000)*	*(650,000,000)*	
Appropriation	650,000,000	650,000,000	
Total, Public Law 480:			
Program level	*(1,671,000,000)*	*(1,671,000,000)*	
Appropriation	1,355,000,000	1,355,000,000	
Office of International Cooperation and Development	4,074,000	5,038,000	+964,000
Total, title IV, International Programs:			
New budget *(obligational)* authority	1,442,365,000	1,443,486,000	+1,121,000
TITLE V—RELATED AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses	366,482,000	372,072,000	+5,590,000
Buildings and facilities	1,450,000	1,450,000	
Standard Level User Charges (FDA)	26,072,000	26,072,000	
Total, Food and Drug Administration	394,004,000	399,594,000	+5,590,000
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission	27,292,000	27,292,000	
Farm Credit Administration *(limitation on administrative expenses)*	*(22,092,000)*	*(22,092,000)*	
Total, title V, Related Agencies:			
New budget *(obligational)* authority	421,296,000	426,886,000	+5,590,000
(Limitation on obligations)	*(22,092,000)*	*(22,092,000)*	
Grand total:			
New budget *(obligational)* authority	33,166,723,000	33,126,319,000	−40,404,000
Definite appropriations	(32,217,884,000)	(32,177,480,000)	(−40,404,000)
Indefinite appropriations	(2,000,000)	(2,000,000)	
Subject to budget request [7]	(946,839,000)	(946,839,000)	
(By transfer)	*(2,668,242,000)*	*(2,706,748,000)*	*(+38,506,000)*
(Loan authorization)	*(5,420,000,000)*	*(7,129,700,000)*	*(+1,709,700,000)*
(Loan authorization, indefinite)	*(870,000,000)*	*(870,000,000)*	
(Limitation on obligations)	*(99,858,000)*	*(95,448,000)*	*(−4,410,000)*

See footnotes on next page.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R 5743)—Continued

[1] Includes the following budget amendments:

H. Doc. 98-174:	
Department of Agriculture:	
Foreign Assistance Programs:	
Expenses, Public Law 480, foreign assistance programs, Agriculture	$36,000,000
H. Doc. 99-17 (99th Cong., 1st sess.):	
Department of Agriculture:	
Domestic Food Programs:	
Food and Nutrition Service:	
Child nutrition programs	48,700,000
Feeding program for women, infants, and children	245,712,000
Food stamp program	652,427,000
Total, H. Doc. 99-17	946,839,000
Total, budget amendments	982,839,000

[2] Requested in the President's Budget for 1985 (H. Doc. 98-138) as borrowing authority under "Permanent Federal funds".

[3] The budget request and bill provide no limitation for emergency loans. Funds are available in amounts necessary to meet the needs resulting from natural disaster.

[4] These amounts are excluded by law (P.L. 93-32) from the budget totals.

[5] Estimate includes $48,700,000, which had not been submitted at the time this bill was approved (see footnote 6). The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[6] Includes appropriation of $48,700,000, available subject to submission of budget request, which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[7] These appropriations shall be available only to the extent an official budget request is transmitted to the Congress. This table assumes submission of budget requests for the full amount provided in the bill. The budget requests were allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17).

[8] Estimate includes $245,712,000, which had not been submitted at the time this bill was approved (see footnote 9). The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[9] Includes appropriation of $245,712,000, available subject to submission of budget request, which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[10] Estimate includes $652,427,000, which had not been submitted at the time this bill was approved (see footnote 11). The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[11] Includes appropriation of $652,427,000, available subject to submission of budget request, which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[12] Estimate includes $48,700,000, $245,712,000, and $652,427,000, which had not been submitted to the Congress at the time this bill was approved (see footnote 13). The estimates were allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

[13] Includes appropriations of $48,700,000, $245,712,000, and $652,427,000, available subject to submission of budget requests, which were not submitted at the time this bill was approved. The estimates were allegedly submitted in the President's fiscal year 1986 budget (H. Doc. 99-17) by increasing the amount of new budget (obligational) authority in the fiscal year 1985 column. The usual supplemental request was not received by the Congress.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF COMMERCE AND RELATED AGENCIES			
DEPARTMENT OF COMMERCE			
GENERAL ADMINISTRATION			
Salaries and expenses	$40,290,000	$35,990,000	−$4,300,000
Special foreign currency program	600,000	500,000	−100,000
Total, General Administration	40,890,000	36,490,000	−4,400,000
BUREAU OF THE CENSUS			
Salaries and expenses	88,070,000	85,500,000	−2,570,000
Periodic censuses and programs	86,529,000	81,000,000	−5,529,000
Total, Bureau of the Census	174,599,000	166,500,000	−8,099,000
ECONOMIC AND STATISTICAL ANALYSIS			
Salaries and expenses	31,622,000	31,085,000	−537,000
ECONOMIC DEVELOPMENT ADMINISTRATION			
Economic development assistance programs		200,000,000	+200,000,000
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
Salaries and expenses	22,476,000	28,500,000	+6,024,000
Total, Economic Development Administration	22,476,000	228,500,000	+206,024,000
INTERNATIONAL TRADE ADMINISTRATION			
Operations and administration	172,948,000	192,418,000	+19,470,000
(Limitation on direct loans)		*(6,500,000)*	*(+6,500,000)*
(Limitation on guaranteed loans)		*(15,000,000)*	*(+15,000,000)*
MINORITY BUSINESS DEVELOPMENT AGENCY			
Minority business development	49,885,000	49,885,000	
UNITED STATES TRAVEL AND TOURISM ADMINISTRATION			
Salaries and expenses	8,583,000	12,000,000	+3,417,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION			
Operations, research, and facilities	802,909,000	1,113,066,000	+310,157,000
(By transfer from Promote and Develop Fund)	*(38,600,000)*	*(25,900,000)*	*(−12,700,000)*
(By transfer from Coastal Energy Impact Fund)		*(9,300,000)*	*(+9,300,000)*
Appropriation from Fisheries Loan Fund	44,941,000		−44,941,000
Aviation weather services program *(trust funds)*	27,000,000	27,000,000	
Fishermen's contingency fund	250,000	250,000	
Foreign fishing observer fund	4,500,000	4,500,000	
Fishermen's guaranty fund	1,800,000	1,800,000	
Fisheries Loan Fund		2,500,000	+2,500,000
Appropriation of receipts for transfer to Operations, Research, and Facilities and Coast Guard	*(89,882,000)*		*(−89,882,000)*
Total, National Oceanic and Atmospheric Administration	881,400,000	1,149,116,000	+267,716,000
(By transfer)	*(38,600,000)*	*(35,200,000)*	*(−3,400,000)*
PATENT AND TRADEMARK OFFICE			
Salaries and expenses	101,631,000	101,631,000	

See footnotes at end of table, p. 1878.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL BUREAU OF STANDARDS			
Scientific and technical research and services	$126,062,000	$123,985,000	−$2,077,000
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION			
Salaries and expenses	13,944,000	13,694,000	−250,000
Public telecommunications facilities, planning and construction		24,000,000	+24,000,000
Total, National Telecommunications and Information Administration	13,944,000	37,694,000	+23,750,000
Total, Department of Commerce:			
New budget *(obligational)* authority	1,624,040,000	2,129,304,000	+505,264,000
(By transfer)	*(38,600,000)*	*(35,200,000)*	*(−3,400,000)*
(Limitation on direct loans)		*(6,500,000)*	*(+6,500,000)*
(Limitation on guaranteed loans)		*(165,000,000)*	*(+165,000,000)*
RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies *(liquidation of contract authority)*	*(377,750,000)*	*(377,750,000)*	
Research and development	3,000,000	2,900,000	−100,000
(By transfer)	*(7,000,000)*	*(7,000,000)*	
Operations and training	72,730,000	77,467,000	+4,737,000
Federal ship financing fund *(limitation on guaranteed loans)*	*(900,000,000)*		*(−900,000,000)*
Total, Maritime Administration	75,730,000	80,367,000	+4,637,000
(By transfer)	*(7,000,000)*	*(7,000,000)*	
(Liquidation of contract authorization)	*(377,750,000)*	*(377,750,000)*	
FEDERAL COMMUNICATIONS COMMISSION			
Salaries and expenses	92,611,000	93,611,000	+1,000,000
FEDERAL MARITIME COMMISSION			
Salaries and expenses	12,292,000	12,292,000	
FEDERAL TRADE COMMISSION			
Salaries and expenses	66,231,000	64,311,000	−1,920,000
INTERNATIONAL TRADE COMMISSION			
Salaries and expenses	28,410,000	24,830,000	−3,580,000
MARINE MAMMAL COMMISSION			
Salaries and expenses	648,000	929,000	+281,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE			
Salaries and expenses	14,179,000	13,582,000	−597,000
SECURITIES AND EXCHANGE COMMISSION			
Salaries and expenses	104,683,000	105,337,000	+654,000
SMALL BUSINESS ADMINISTRATION			
Salaries and expenses	246,100,000	233,840,000	−12,260,000
(By transfer)	*(16,600,000)*	*(70,000,000)*	*(+53,400,000)*
White House Conference on Small Business		2,000,000	+2,000,000

See footnotes at end of table, p. 1878.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Business loan and investment fund	$312,000,000	$484,000,000	+$172,000,000
(Limitation on direct loans)	*(41,000,000)*		*(−41,000,000)*
(Limitation on guaranteed loans)	*(3,655,000)*		*(−3,655,000)*
Disaster Loan Fund *(limitation on direct loans)*	*(440,000,000)*		*(−440,000,000)*
Lease guarantees revolving fund	1,000,000		−1,000,000
Surety bond guarantees revolving fund	10,000,000	8,910,000	−1,090,000
Pollution control equipment contract guarantee fund *(limitation on guaranteed loans)*	*(150,000,000)*		*(−150,000,000)*
Total, Small Business Administration:			
New budget *(obligational)* authority	569,100,000	728,750,000	+159,650,000
(By transfer)	*(16,600,000)*	*(70,000,000)*	*(+53,400,000)*
Total, Related agencies	963,884,000	1,124,009,000	+160,125,000
Total, title I, Department of Commerce and related agencies:			
New budget *(obligational)* authority	2,587,924,000	3,253,313,000	+665,389,000
(By transfer)	*(62,200,000)*	*(112,200,000)*	*(+50,000,000)*
(Limitation on direct loans)	*(481,000,000)*	*(6,500,000)*	*(−474,500,000)*
(Limitation on guaranteed loans)	*(1,053,655,000)*	*(165,000,000)*	*(−888,655,000)*
(Appropriation to liquidate contract authority)	*(377,750,000)*	*(377,750,000)*	
TITLE II—DEPARTMENT OF JUSTICE			
GENERAL ADMINISTRATION			
Salaries and expenses	67,584,000	71,150,000	+3,566,000
Working capital fund	6,000,000	3,000,000	−3,000,000
Total, General Administration	73,584,000	74,150,000	+566,000
UNITED STATES PAROLE COMMISSION			
Salaries and expenses	8,778,000	8,913,000	+135,000
LEGAL ACTIVITIES			
Salaries and expenses, general legal activities	203,720,000	194,163,000	−9,557,000
Salaries and expenses, Antitrust Division	44,845,000	43,519,000	−1,326,000
Section 511 reduction		−1,000,000	−1,000,000
Subtotal, Antitrust Division	44,845,000	42,519,000	−2,326,000
Salaries and expenses, Foreign Claims Settlement Commission	1,011,000	929,000	−82,000
Salaries and expenses, United States attorneys and marshals	425,626,000	431,114,000	+5,488,000
Support of United States prisoners	58,240,000	63,240,000	+5,000,000
Fees and expenses of witnesses	40,988,000	40,600,000	−388,000
Salaries and expenses, Community Relations Service	34,128,000	33,000,000	−1,128,000
Total, Legal Activities	808,558,000	805,565,000	−2,993,000
INTERAGENCY LAW ENFORCEMENT			
Organized crime drug enforcement	2,559,000	1,500,000	−1,059,000
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses	1,157,223,000	1,147,123,000	−10,100,000
DRUG ENFORCEMENT ADMINISTRATION			
Salaries and expenses	334,654,000	329,988,000	−4,666,000

See footnotes at end of table, p. 1878.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses	$574,539,000	$576,417,000	+$1,878,000
FEDERAL PRISON SYSTEM			
Salaries and expenses	500,063,000	503,450,000	+3,387,000
(By transfer)	*(4,450,000)*	*(4,450,000)*	
National Institute of Corrections	12,574,000	14,000,000	+1,426,000
Buildings and facilities	82,556,000	86,056,000	+3,500,000
Federal Prison Industries, Incorporated: *(Limitation on administrative and vocational training expenses)*	*(8,964,000)*	*(8,964,000)*	
Total, Federal prison system	595,193,000	603,506,000	+8,313,000
OFFICE OF JUSTICE ASSISTANCE			
Justice Assistance	133,739,000	145,551,000	+11,812,000
Total, Department of Justice:			
New budget *(obligational)* authority	3,688,827,000	3,692,713,000	+3,886,000
(Limitation on expenses)	*(8,964,000)*	*(8,964,000)*	
(By transfer)	*(4,450,000)*	*(4,450,000)*	
RELATED AGENCIES			
COMMISSION ON CIVIL RIGHTS			
Salaries and expenses	12,747,000	12,747,000	
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION			
Salaries and expenses	161,155,000	160,755,000	−400,000
LEGAL SERVICES CORPORATION			
Payment to the Legal Services Corporation	[2] 325,253,000	305,000,000	−20,253,000
Total, Related agencies	499,155,000	478,502,000	−20,653,000
Total, title II, Department of Justice and related agencies:			
New budget *(obligational)* authority	4,187,982,000	4,171,215,000	−16,767,000
(Limitation on expenses)	*(8,964,000)*	*(8,964,000)*	
(By transfer)	*(4,450,000)*	*(4,450,000)*	
TITLE III—DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	1,311,300,000	1,264,901,000	−46,399,000
Reopening consulates		1,929,000	+1,929,000
Representation allowances	4,500,000	4,500,000	
Protection of foreign missions and officials	9,500,000	9,500,000	
Acquisition, operation, and maintenance of buildings abroad	235,607,000	211,000,000	−24,607,000
Acquisition, operation, and maintenance of buildings abroad *(special foreign currency program)*	23,353,000	19,353,000	−4,000,000
Emergencies in the diplomatic and consular service	4,400,000	4,000,000	−400,000
Payment to the American Institute in Taiwan	9,875,000	9,800,000	−75,000
Payment to the Foreign Service Retirement and Disability Fund	106,738,000	106,738,000	
Total, administration of foreign affairs	1,705,273,000	1,631,721,000	−73,552,000

See footnotes at end of table, p. 1878.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL ORGANIZATIONS AND CONFERENCES			
Contributions to international organizations	$522,570,000	$501,667,200	−$20,902,800
Contributions for international peacekeeping activities	55,400,000	47,400,000	−8,000,000
International conferences and contingencies	11,195,000	10,000,000	−1,195,000
Section 511 reduction		−400,000	−400,000
Total, International conferences and contingencies	11,195,000	9,600,000	−1,595,000
Total, international organizations and conferences	589,165,000	558,667,200	−30,497,800
INTERNATIONAL COMMISSIONS			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	12,074,000	12,000,000	−74,000
Section 511 reduction		−400,000	−400,000
Subtotal, salaries and expenses	12,074,000	11,600,000	−474,000
Construction	2,143,000	2,400,000	+257,000
American sections, international commissions	3,814,000	3,685,000	−129,000
International fisheries commissions	9,482,000	9,100,000	−382,000
Total, international commissions	27,513,000	26,785,000	−728,000
OTHER			
United States Bilateral Science and Technology Agreements	2,000,000		−2,000,000
Payment to the Asia Foundation	10,000,000	9,600,000	−400,000
Soviet-East European research and training	5,000,000	4,800,000	−200,000
Contribution to United States—India Fund for Cultural, Educational and Scientific Cooperation	*(110,000,000)*	*(110,000,000)*	
Total, Other	17,000,000	14,400,000	−2,600,000
Total, Department of State:			
New budget *(obligational)* authority	2,338,951,000	2,231,573,200	−107,377,800
(Special foreign currency availability)	*(110,000,000)*	*(110,000,000)*	
RELATED AGENCIES			
ARMS CONTROL AND DISARMAMENT AGENCY			
Arms control and disarmament activities	[2] 19,468,000	19,468,000	
BOARD FOR INTERNATIONAL BROADCASTING			
Grants and expenses	100,498,000	97,498,000	−3,000,000
COMMISSION ON SECURITY AND COOPERATION IN EUROPE			
Salaries and expenses	550,000	550,000	
JAPAN-UNITED STATES FRIENDSHIP COMMISSION			
Japan-United States Friendship Trust Fund	1,600,000	1,600,000	
(Foreign currency appropriation)	*(1,200,000)*	*(1,200,000)*	
UNITED STATES INFORMATION AGENCY			
Salaries and expenses	554,092,000	545,856,000	−8,236,000
Salaries and expenses *(special foreign currency program)*	8,235,000	8,000,000	−235,000
Educational and cultural exchange programs	144,864,000	130,000,000	−14,864,000
Acquisition and construction of radio facilities	113,680,000	85,000,000	−28,680,000

See footnotes at end of table, p. 1878.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Radio broadcasting to Cuba	$11,203,000	$8,500,000	−$2,703,000
Center for Cultural and Technical Interchange Between East and West	19,050,000	19,000,000	−50,000
National endowment for democracy	34,300,000		−34,300,000
Total, United States Information Agency	885,424,000	796,356,000	−89,068,000
Total, Related agencies	1,007,540,000	915,472,000	−92,068,000
Total, title III, Department of State and related agencies:			
New budget *(obligational)* authority	3,346,491,000	3,147,045,200	−199,445,800
(Special foreign currency availability)	*(110,000,000)*	*(110,000,000)*	
(Foreign currency appropriation)	*(1,200,000)*	*(1,200,000)*	
TITLE IV—THE JUDICIARY			
SUPREME COURT OF THE UNITED STATES			
Salaries and expenses	14,143,000	14,143,000	
Care of the building and grounds	2,242,000	2,242,000	
Total, Supreme Court of the United States	16,385,000	16,385,000	
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT			
Salaries and expenses	6,414,000	5,150,000	−1,264,000
UNITED STATES COURT OF INTERNATIONAL TRADE			
Salaries and expenses	6,096,000	6,070,000	−26,000
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries of judges	74,200,000	74,540,000	+340,000
Salaries of supporting personnel	382,460,000	370,228,000	−12,232,000
Defender services	43,715,000	42,000,000	−1,715,000
Fees of jurors and commissioners	43,500,000	42,000,000	−1,500,000
Expenses of operation and maintenance of the courts	108,270,000	101,500,000	−6,770,000
Bankruptcy courts, salaries and expenses	119,960,000	116,950,000	−3,010,000
Space and facilities	158,250,000	140,000,000	−18,250,000
Court security	25,280,000	25,500,000	+220,000
Total, courts of appeals, district courts, and other judicial services	955,635,000	912,718,000	−42,917,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS			
Salaries and expenses	29,360,000	28,250,000	−1,110,000
FEDERAL JUDICIAL CENTER			
Salaries and expenses	9,631,000	9,330,000	−301,000
Total, title IV, new budget *(obligational)* authority, the Judiciary	1,023,521,000	977,903,000	−45,618,000
Grand total:			
New budget *(obligational)* authority	11,145,918,000	11,549,476,200	+403,558,200
(Limitation on expenses)	*(8,964,000)*	*(8,964,000)*	
(By transfer)	*(66,650,000)*	*(116,650,000)*	*(+50,000,000)*
(Limitation on direct loans)	*(481,000,000)*	*(6,500,000)*	*(−474,500,000)*
(Limitation on guaranteed loans)	*(1,053,655,000)*	*(165,000,000)*	*(−888,655,000)*
(Appropriations to liquidate contract authorizations)	*(377,750,000)*	*(377,750,000)*	
(Special foreign currency availability)	*(110,000,000)*	*(110,000,000)*	

See footnotes on next page

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-411, APPROVED AUGUST 30, 1984—Continued

[1] Includes the following budget amendments:

H. Doc. 98-174	
Department of State	
International Organizations and Conferences	
International conferences and contingencies	$1,000,000
United States Information Agency	
Salaries and expenses	8,800,000
Educational and cultural exchange programs	24,600,000
National Endowment for Democracy	3,000,000
Total, H. Doc. 98-174	37,400,000
H. Doc. 98-193	
International Trade Commission	
Salaries and expenses	258,000
H. Doc. 98-236	
Department of Justice	
Federal Prison System	
Salaries and expenses	$14,975,000
Total, budget amendments	52,633,000

[2] Reflects budget estimate as submitted to the Congress by the Corporation pursuant to section 1005(d) of Public Law 93-355. The President's Budget for 1985 (H. Doc. 98-138) did not request any funds for the Corporation.

[3] In addition $4,932,000 considered in Energy and Water Development Appropriation Act, 1985 (Public Law 98-360) under Department of Energy "Energy Supply, Research and Development Activities" (see footnote 2 on p. 1886, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1985, (H.R. 6329)

[NOTE.—The Department of Defense Appropriation Bill, 1985 (H.R. 6329), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 26, 1984. S. 3026 was reported by the Committee on Appropriations of the Senate on September 26, 1984. The bill was not acted on by the full Senate, nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriation bill is provided under section 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and funding levels as provided under section 101(h) of Public Law 98-473 for those programs and activities normally included in H.R. 6329 (see pp. 346-383, this volume, for Sec. 101(h) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
MILITARY PERSONNEL			
Military Personnel, Army	$21,172,900,000	$21,020,344,000	−$152,556,000
Military Personnel, Navy	15,897,500,000	15,660,246,000	−237,254,000
Military Personnel, Marine Corps	4,845,900,000	4,803,366,000	−42,534,000
Military Personnel, Air Force	17,799,900,000	17,572,005,000	−227,895,000
Reserve Personnel, Army	2,184,300,000	2,084,100,000	−100,200,000
Reserve Personnel, Navy	1,131,600,000	1,127,700,000	−3,900,000
Reserve Personnel, Marine Corps	269,500,000	268,700,000	−800,000
Reserve Personnel, Air Force	565,800,000	564,500,000	−1,300,000
National Guard Personnel, Army	3,075,000,000	2,926,100,000	−148,900,000
National Guard Personnel, Air Force	889,200,000	868,578,000	−20,622,000
Total, title, I, Military Personnel: New budget *(obligational)* authority	67,831,600,000	66,895,639,000	−935,961,000
TITLE II			
OPERATION AND MAINTENANCE			
Operation and Maintenance, Army	19,486,518,000	18,411,078,000	−1,075,440,000
Operation and Maintenance, Navy	26,248,426,000	[1] 25,116,241,000	−1,132,185,000
Operation and Maintenance, Marine Corps	1,683,069,000	1,640,294,000	−42,775,000
Operation and Maintenance, Air Force	20,234,500,000	19,093,265,000	−1,141,235,000
Operation and Maintenance, Defense Agencies	7,338,370,000	7,067,469,000	−270,901,000
Operation and Maintenance, Army Reserve	715,450,000	724,400,000	+8,950,000
Operation and Maintenance, Navy Reserve	829,531,000	827,181,000	−2,350,000
Operation and Maintenance, Marine Corps Reserve	58,642,000	58,642,000	
Operation and Maintenance, Air Force Reserve	883,461,000	872,461,000	−11,000,000
Operation and Maintenance, Army National Guard	1,404,643,000	1,424,293,000	+19,650,000
Operation and Maintenance, Air National Guard	1,862,148,000	1,810,348,000	−51,800,000
National Board for the Promotion of Rifle Practice, Army	914,000	914,000	
Claims, Defense	177,900,000	157,900,000	−20,000,000
Court of Military Appeals, Defense	3,470,000	2,870,000	−600,000
Environmental Restoration, Defense		314,000,000	+314,000,000
Total, title II, Operation and Maintenance: New budget *(obligational)* authority	80,927,042,000	77,521,356,000	−3,405,686,000
TITLE III			
PROCUREMENT			
Aircraft Procurement, Army	4,008,300,000	3,940,900,000	−67,400,000
Missile Procurement, Army	3,442,400,000	3,167,000,000	−275,400,000
Procurement of Weapons and Tracked Combat Vehicles, Army	5,092,700,000	4,548,100,000	−544,600,000
Procurement of Ammunition, Army	2,494,000,000	2,646,300,000	+152,300,000
Other Procurement, Army	6,022,400,000	5,122,450,000	−899,950,000
Aircraft Procurement, Navy	11,474,200,000	10,903,798,000	−570,402,000
Weapons Procurement, Navy	4,650,860,000	4,353,611,000	−297,249,000
Shipbuilding and Conversion, Navy	13,141,900,000	11,736,000,000	−1,405,900,000
(Transfer from other accounts)		*(36,300,000)*	*(+36,300,000)*
Other Procurement, Navy	5,953,900,000	5,341,614,000	−612,286,000
Procurement, Marine Corps	1,978,581,000	1,836,722,000	−141,859,000
Aircraft Procurement, Air Force	28,676,500,000	26,188,266,000	−2,488,234,000

See footnotes at end of table, p. 1881.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1985, (H.R. 6329)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1985 (H.R. 6329), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 26, 1984. S. 3026 was reported by the Committee on Appropriations of the Senate on September 26, 1984. The bill was not acted on by the full Senate, nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriation bill is provided under section 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and funding levels as provided under section 101(h) of Public Law 98-473 for those programs and activities normally included in H.R. 6329 (see pp. 346-383, this volume, for Sec. 101(h) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Missile Procurement, Air Force	$9,820,600,000	$6,909,245,000	−$2,911,355,000
(Transfer from other accounts)		[2] *(1,500,000,000)*	*(+1,500,000,000)*
Other Procurement, Air Force	9,561,500,000	8,861,697,000	−699,803,000
National Guard and Reserve Equipment		380,000,000	+380,000,000
Procurement, Defense Agencies	1,243,500,000	1,165,701,000	−77,799,000
Defense Production Act Purchases	25,000,000	10,000,000	−15,000,000
Total, title III, Procurement:			
New budget *(obligational)* authority	107,586,341,000	97,111,404,000	−10,474,937,000
(Transfer from other accounts)		*(1,536,300,000)*	*(+1,536,300,000)*
TITLE IV			
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION			
Research, Development, Test, and Evaluation, Army	4,987,100,000	4,349,015,000	−638,085,000
Research, Development, Test, and Evaluation, Navy	9,826,076,000	9,172,622,000	−653,454,000
Research, Development, Test, and Evaluation, Air Force	14,401,955,000	13,424,147,000	−977,808,000
Research, Development, Test, and Evaluation, Defense Agencies	4,707,906,000	4,182,287,000	−525,619,000
Director of Test and Evaluation, Defense	62,000,000	59,000,000	−3,000,000
Total, title IV, Research, Development, Test, and Evaluation:			
New budget *(obligational)* authority	33,985,037,000	31,187,071,000	−2,797,966,000
TITLE V			
SPECIAL FOREIGN CURRENCY PROGRAM			
Special foreign currency program	8,650,000	8,650,000	
TITLE VI			
REVOLVING AND MANAGEMENT FUNDS			
Army Stock Fund	366,448,000	366,448,000	
Navy Stock Fund	563,907,000	473,307,000	−90,600,000
Marine Corps Stock Fund	34,[illegible]08,000	34,908,000	
Air Force Stock Fund	666,093,000	548,593,000	−117,500,000
Defense Stock Fund	130,700,000	130,700,000	
Total, title VI, Revolving and Management Funds:			
New budget *(obligational)* authority	1,762,056,000	1,553,956,000	−208,100,000
TITLE VII			
RELATED AGENCIES			
Intelligence Community Staff	21,797,000	20,797,000	−1,000,000
Central Intelligence Agency Retirement and Disability System Fund	99,300,000	99,300,000	
Total, title VII, Related Agencies:			
New budget *(obligational)* authority	121,097,000	120,097,000	−1,000,000
TITLE VIII			
GENERAL PROVISIONS			
(Additional transfer authority, sec. 8025)	*(1,200,000,000)*	*(1,200,000,000)*	

See footnotes at end of table, p. 1881.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1985, (H.R. 6329)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1985 (H.R. 6329), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 26, 1984. S. 3026 was reported by the Committee on Appropriations of the Senate on September 26, 1984. The bill was not acted on by the full Senate, nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriation bill is provided under section 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and funding levels as provided under section 101(h) of Public Law 98-473 for those programs and activities normally included in H.R. 6329 (see pp. 346-383, this volume, for Sec. 101(h) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION			
Title I—Military Personnel	$67,831,600,000	$66,895,639,000	−$935,961,000
Title II—Operation and Maintenance	80,927,042,000	77,521,356,000	−3,405,686,000
Title III—Procurement	107,586,341,000	97,111,404,000	−10,474,937,000
(Transfer from other accounts)		*(1,536,300,000)*	*(+1,536,300,000)*
Title IV—Research, Development, Test, and Evaluation	33,985,037,000	31,187,071,000	−2,797,966,000
Title V—Special foreign currency program	8,650,000	8,650,000	
Title VI—Revolving and management funds	1,762,056,000	1,553,956,000	−208,100,000
Title VII—Related agencies	121,097,000	120,097,000	−1,000,000
Title VIII—General provisions *(additional transfer authority, sec. 8025)*	*(1,200,000,000)*	*(1,200,000,000)*	
Total, Department of Defense (NOA)	292,221,823,000	274,398,173,000	−17,823,650,000
(Transfer from other accounts)		*(1,536,300,000)*	*(+1,536,300,000)*
Total funding available	292,221,823,000	275,934,473,000	−16,287,350,000
(Transfer authority)	*(1,200,000,000)*	*(1,200,000,000)*	
Distribution by organizational component:			
Army	74,453,073,000	70,731,442,000	−3,721,631,000
Navy	98,588,500,000	93,354,952,000	−5,233,548,000
(Transfer from other accounts)		*(36,300,000)*	*(+36,300,000)*
Air Force	105,361,657,000	96,713,105,000	−8,648,552,000
(Transfer from other accounts)		*(1,500,000,000)*	*(+1,500,000,000)*
Defense Agencies/OSD	13,697,496,000	13,098,577,000	−598,919,000
Reserve & National Guard *(procurement)*		380,000,000	+380,000,000
Related agencies	121,097,000	120,097,000	−1,000,000
Total, Department of Defense (NOA)	292,221,823,000	274,398,173,000	−17,823,650,000
(Transfer from other accounts)		*(1,536,300,000)*	*(+1,536,300,000)*
Total funding available	292,221,823,000	275,934,473,000	−16,287,350,000
(Transfer authority)	*(1,200,000,000)*	*(1,200,000,000)*	

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[1] Of this amount, $10,500,000 has been transferred to the U.S. Coast Guard operating expenses for fixed costs associated with the operation of the polar icebreaker program.

[2] Public Law 99-18 (H.J. Res. 181), dated April 4, 1985, approved the release of $1,500,000,000 in prior year unobligated balances made available for fiscal year 1985 (Public Law 98-473) for the procurement of additional operational MX missiles.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985, (H.R. 5899)

[NOTE.—The District of Columbia Appropriation Bill, 1985 (H.R. 5899) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on June 20, 1984, and was passed by the House on June 28, 1984. H.R. 5899 was enrolled when the conference report was filed in the House on September 26, 1984, however, the conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 98-1088), filed in the House of Representatives on September 26, 1984, as if such Act had been enacted into law, with the exception of Amendment No. 19. A substitute for the language in Amendment No. 19 (the Chadha amendment) is included as Sec. 131 of the continuing resolution. The following table reflects the budget requests and funding levels for programs normally included in H.R. 5899 (see p. 283, this volume, for Sec. 101(b) and pp. 410-412 for Sec. 131 of Public law 98-473, and pp. 133-145 for text of H.R. 5899).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
DISTRICT OF COLUMBIA			
FEDERAL FUNDS			
Federal payment to the District of Columbia	$425,000,000	$425,000,000	
Payment in lieu of reimbursement for water and sewer services to Federal facilities	24,100,000	24,100,000	
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	
Saint Elizabeths Hospital		20,000,000	+$20,000,000
Inaugural expenses payment	2,300,000	2,300,000	
Criminal justice initiative		9,873,000	+9,873,000
Total, Federal funds to District of Columbia	503,470,000	533,343,000	+29,873,000
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	*(87,872,000)*	*(88,439,000)*	*(+567,000)*
Economic development and regulation	*(75,061,000)*	*(72,061,000)*	*(−3,000,000)*
Public safety and justice	*(501,415,000)*	*(509,917,000)*	*(+8,502,000)*
Public education system	*(493,619,000)*	*(495,521,000)*	*(+1,902,000)*
Human support services	*(536,574,000)*	*(556,050,000)*	*(+19,476,000)*
Public works	*(190,247,000)*	*(189,377,000)*	*(−870,000)*
Washington Convention Center Fund	*(8,830,000)*	*(6,930,000)*	*(−1,900,000)*
Repayment of loans and interest	*(174,000,000)*	*(174,000,000)*	
Repayment of general fund deficit	*(10,100,000)*	*(10,100,000)*	
Short-term borrowings	*(5,000,000)*	*(5,000,000)*	
Inaugural expenses	*(2,300,000)*	*(2,300,000)*	
Adjustments	*(−65,000)*	*(−65,000)*	
Professional fees adjustment *(Sec. 132)*		*(−3,511,000)*	*(−3,511,000)*
Total, operating expenses, general fund *(net)*	*(2,084,953,000)*	*(2,106,119,000)*	*(+21,166,000)*
CAPITAL OUTLAY			
General fund	*(90,842,000)*	*(90,842,000)*	
ENTERPRISE FUNDS			
Water and sewer enterprise fund:			
Operating expenses	*(140,206,000)*	*(140,206,000)*	
Capital outlay	*(22,180,000)*	*(22,180,000)*	
Total, water and sewer enterprise fund	*(162,386,000)*	*(162,386,000)*	
Lottery and Charitable Games enterprise fund	*(3,531,000)*	*(3,531,000)*	
Cable Television enterprise fund	*(250,000)*	*(250,000)*	
Total, enterprise funds	*(166,167,000)*	*(166,167,000)*	
Total, District of Columbia funds *(net)*	*(2,341,962,000)*	*(2,363,128,000)*	*(+21,166,000)*
Grand total, new budget *(obligational)* authority:			
Federal funds to the District of Columbia	503,470,000	533,343,000	+29,873,000
District of Columbia funds *(net)*	*(2,341,962,000)*	*(2,363,128,000)*	*(+21,166,000)*

See footnote on next page.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985, (H.R. 5899)—Continued

[1] Includes the following budget amendments:

H. Doc. 99-30:	
District of Columbia funds:	
Public safety and justice	*($30,312,000)*
Public education system	*(8,388,000)*
Human support services	*[*]*(300,000)*
Inaugural expenses	*(2,300,000)*
Total, operating expenses	*($41,300,000)*
Total, budget amendments *(District of Columbia funds)*	*(41,300,000)*

*Reflects increase for D.C. Energy Office. Subsequently considered and approved in Supplemental Appropriations Act, 1985 (Public Law 99-88, approved August 15, 1985).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1985, PUBLIC LAW 98-360, APPROVED JULY 16, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
General investigations	$118,000,000	$138,000,000	+$20,000,000
Construction, general	874,000,000	890,000,000	+16,000,000
Flood control and coastal emergencies	10,000,000	25,000,000	+15,000,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	304,000,000	321,000,000	+17,000,000
Operation and maintenance, general	1,297,000,000	1,305,000,000	+8,000,000
General expenses	113,000,000	112,000,000	−1,000,000
Total, title I, Department of Defense—Civil: New budget *(obligational)* authority	2,716,000,000	2,791,000,000	+75,000,000
TITLE II—DEPARTMENT OF THE INTERIOR			
BUREAU OF RECLAMATION			
General investigations	35,651,000	35,566,000	−85,000
Construction program	764,137,000	740,000,000	−24,137,000
Operation and maintenance	149,689,000	149,689,000	
Loan program	67,537,000	67,537,000	
(Limitation on gross obligations)	*(66,000,000)*	*(68,500,000)*	*(+2,500,000)*
General administrative expenses	58,917,000	58,917,000	
Emergency fund	1,000,000	1,000,000	
Total, Bureau of Reclamation	1,076,931,000	1,052,709,000	−24,222,000
Total, title II, Department of the Interior: New budget *(obligational)* authority	1,076,931,000	1,052,709,000	−24,222,000
(Limitation on gross obligations)	*(66,000,000)*	*(68,500,000)*	*(+2,500,000)*
TITLE III—DEPARTMENT OF ENERGY			
Energy Supply, Research and Development Activities:			
Operating Expenses	1,792,578,000	1,702,980,000	−89,598,000
Plant and Capital Equipment	249,535,000	255,185,000	+5,650,000
(By transfer)		*(60,000,000)*	*(+60,000,000)*
Subtotal	[2]2,042,113,000	1,958,165,000	−83,948,000
Uranium Supply and Enrichment Activities:			
Operating Expenses	1,265,900,000	1,254,900,000	−11,000,000
Plant and Capital Equipment	409,400,000	395,400,000	−14,000,000
Subtotal	1,675,300,000	1,650,300,000	−25,000,000
Gross revenues	−1,675,300,000	−1,650,300,000	+25,000,000
Net appropriation			
General Science and Research Activities:			
Operating Expenses	527,705,000	518,205,000	−9,500,000
Plant and Capital Equipment	218,400,000	208,700,000	−9,700,000
Subtotal	746,105,000	726,905,000	−19,200,000
Nuclear Waste Disposal Fund	327,669,000	327,669,000	

See footnotes at end of table, p. 1886.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1985, PUBLIC LAW 98-360, APPROVED JULY 16, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Atomic Energy Defense Activites:			
Operating Expenses	$5,916,594,000	$5,690,470,000	−$226,124,000
Plant and Capital Equipment	1,889,231,000	1,643,231,000	−246,000,000
Subtotal	7,805,825,000	7,333,701,000	−472,124,000
Departmental Administration:			
Operating Expenses	353,157,000	351,157,000	−2,000,000
Plant and Capital Equipment	4,877,000	4,877,000	
Subtotal	358,034,000	356,034,000	−2,000,000
Miscellaneous revenues	−219,459,000	−219,459,000	
Total, Department Administration, *(net)*	138,575,000	136,575,000	−2,000,000
POWER MARKETING ADMINISTRATIONS			
Operation and maintenance, Alaska Power Administration	3,233,000	3,233,000	
Bonneville Power Administration Fund:			
(Limitation on gross obligations)	*(40,000,000)*	*(40,000,000)*	
Operation and maintenance, Southeastern Power Administration	35,744,000	35,744,000	
Operation and maintenance, Southwestern Power Administration	29,208,000	31,208,000	+2,000,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	248,230,000	218,230,000	−30,000,000
Subtotal	316,415,000	288,415,000	−28,000,000
FEDERAL ENERGY REGULATORY COMMISSION			
Salaries and expenses	100,677,000	95,677,000	−5,000,000
Revenues Applied	−60,000,000	−60,000,000	
Subtotal	40,677,000	35,677,000	−5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND			
Geothermal loan guarantee and interest assistance program	121,000	121,000	
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
Total, title III, Department of Energy:			
New budget *(obligational)* authority *(net)*	11,417,500,000	10,807,228,000	−610,272,000
(Limitation on gross obligations)	*(40,000,000)*	*(40,000,000)*	
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
(By transfer)		*(60,000,000)*	*(+60,000,000)*
TITLE IV—INDEPENDENT AGENCIES			
Appalachian Regional Commission: Salaries and Expenses		2,300,000	+2,300,000
Funds Appropriated to the President:			
Appalachian regional development programs		49,000,000	+49,000,000
Appalachian highway system	80,000,000	100,000,000	+20,000,000
Total, Funds Appropriated to the President	80,000,000	149,000,000	+69,000,000
Delaware River Basin Commission:			
Salaries and expenses	172,000	172,000	
Contribution to Delaware River Basin Commission	283,000	283,000	
Total, Delaware River Basin Commission	455,000	455,000	
Interstate Commission on the Potomac River Basin:			
Contribution to Interstate Commission on the Potomac River Basin		70,000	+70,000
Nuclear Regulatory Commission:			
Salaries and expenses	468,200,000	448,200,000	−20,000,000

See footnotes at end of table, p. 1886.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1985, PUBLIC LAW 98-360, APPROVED JULY 16, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Susquehanna River Basin Commission:			
Salaries and expenses	$167,000	$167,000	
Contribution to Susquehanna River Basin Commission	230,000	230,000	
Total, Susquehanna River Basin Commission	397,000	397,000	
Tennessee Valley Authority:			
Tennessee Valley Authority Fund	115,308,000	120,000,000	+$4,692,000
(By transfer)	*(2,192,000)*	*(9,547,000)*	*(+7,355,000)*
Total, title IV, Independent agencies:			
New budget *(obligational)* authority	664,360,000	720,422,000	+56,062,000
(By transfer)	*(2,192,000)*	*(9,547,000)*	*(+7,355,000)*
Grand total, all titles:			
New budget *(obligational)* authority, *(net)*	15,874,791,000	15,371,359,000	−503,432,000
(Limitation on direct loans)	*(106,000,000)*	*(108,500,000)*	*(+2,500,000)*
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
(By transfer)	*(2,192,000)*	*(69,547,000)*	*(+67,355,000)*

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[1] Includes the following budget amendment:
H. Doc. 98-193
Department of Energy:
Uranium Supply and Enrichment Activities:
Operating expenses .... *(Language)*

[2] Includes $4,932,000 submitted in President's Budget for FY 1985 (H. Doc. 98-138) as part of estimate for Arms Control and Disarmament Agency.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1985, (H.R. 6237)

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1985 (H.R. 6237) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 13, 1984. S. 2793 was reported by the Committee on Appropriations of the Senate on June 26, 1984. The bill was not acted on by the full Senate or the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(e)(1) of Public Law 98-473 for those programs and activities normally included in H.R. 6237 (see pp. 327-346, this volume, for Sec. 101(e)(1) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—MULTILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL FINANCIAL INSTITUTIONS			
Contribution to the International Bank for Reconstruction and Development:			
Paid-in capital	$139,720,549	$109,721,549	−$29,999,000
(Limitation on callable capital subscriptions)	*(1,723,220,087)*	*(1,353,220,096)*	*(−369,999,991)*
Contribution to the International Development Association (IDA VI)	900,000,000	900,000,000	....
Total, contributions to World Bank Group:			
New budget *(obligational)* authority	1,039,720,549	1,009,721,549	−29,999,000
(Limitation on callable capital)	*(1,723,220,087)*	*(1,353,220,096)*	*(−369,999,991)*
Contribution to the Inter-American Development Bank:			
Fund for special operations	145,000,000	72,500,000	−72,500,000
Inter-regional paid-in capital	78,000,983	38,000,983	−40,000,000
Inter-American Investment Corporation	13,000,000	10,000,000	−3,000,000
(Limitation on callable capital subscriptions)	*(1,655,464,826)*	*(806,464,582)*	*(−849,000,244)*
Total, contribution to the Inter-American Development Bank	236,000,983	120,500,983	−115,500,000
Contribution to the Asian Development Bank:			
Paid-in capital	13,232,676	13,232,676	....
Development fund	191,232,340	100,000,000	−91,232,340
(Limitation on callable capital subscriptions)	*(251,367,220)*	*(251,367,220)*	....
Total, contribution to the Asian Development Bank	204,465,016	113,232,676	−91,232,340
Contribution to the African Development Fund	50,000,000	50,000,000	....
Contribution to the African Development Bank:			
Paid-in capital	17,986,678	17,987,678	+1,000
(Limitation on callable capital)	*(53,960,036)*	*(53,960,036)*	....
Total, contribution to International Financial Institutions:			
New budget *(obligational)* authority	1,548,173,226	1,311,442,886	−236,730,340
(Limitation on callable capital)	*(3,684,012,169)*	*(2,465,011,934)*	*(−1,219,000,235)*
International organizations and programs	241,800,000	358,676,500	+116,876,500
Total, title I, contributions for Multilateral Economic Assistance:			
New budget *(obligational)* authority	1,789,973,226	1,670,119,386	−119,853,840
(Limitation on callable capital)	*(3,684,012,169)*	*(2,465,011,934)*	*(−1,219,000,235)*
TITLE II—BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Agriculture, rural development, and nutrition Development Assistance	752,551,000	755,551,000	+3,000,000

See footnotes at end of table, pp. 1889-1890.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1985, (H.R. 6237)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1985 (H.R. 6237) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 13, 1984. S. 2793 was reported by the Committee on Appropriations of the Senate on June 26, 1984. The bill was not acted on by the full Senate or the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(e)(1) of Public Law 98-473 for those programs and activities normally included in H.R. 6237 (see pp. 327-346, this volume, for Sec. 101(e)(1) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Population, Development Assistance	$250,002,000	$290,000,000	+$39,998,000
Health, Development Assistance	158,138,000	223,138,000	+65,000,000
Child Survival Fund		25,000,000	+25,000,000
Education and human resources development, Development Assistance	188,833,000	188,833,000	
Energy and selected development activities, Development Assistance	226,175,000	190,000,000	−36,175,000
Science and technology, Development Assistance	10,000,000	10,000,000	
Private sector revolving fund *(by transfer)*	*(20,000,000)*	*(20,000,000)*	
Total, Contributions to Development Assistance	1,585,699,000	1,682,522,000	+96,823,000
American schools and hospitals abroad	10,000,000	30,000,000	+20,000,000
International disaster assistance	25,000,000	25,000,000	
Compact for free association—Micronesia[2]	*(295,490,000)*		*(−295,490,000)*
Economic policy initiative for Africa	75,000,000		−75,000,000
Sahel development program	97,500,000	97,500,000	
Overseas training and special development activities *(foreign currency program)*	*(1,100,000)*	*(1,100,000)*	
Payment to the Foreign Service Retirement and Disability Fund	40,562,000	40,562,000	
Economic support fund	3,438,100,000	3,826,000,000	+387,900,000
AID deobligate/reobligate reappropriation		[3] 25,000,000	+25,000,000
Operating expenses of the Agency for International Development	404,113,000	391,533,250	−12,579,750
Trade credit insurance program	*(300,000,000)*	*(300,000,000)*	
Trade and development	21,000,000	21,000,000	
Housing and other credit guaranty programs:			
Loan reserve	10,000,000	40,000,000	+30,000,000
(Limitation on guaranteed loans)	*(160,000,000)*	*(160,000,000)*	
Total, Contribution to Agency for International Development	5,706,974,000	6,179,117,250	+472,143,250
AFRICAN DEVELOPMENT FOUNDATION			
Appropriations	3,000,000	1,000,000	−2,000,000
INTER-AMERICAN FOUNDATION			
Appropriations	11,992,000	11,992,000	
OVERSEAS PRIVATE INVESTMENT CORPORATION			
(Limitation on direct loans)	*(15,000,000)*	*(15,000,000)*	
(Limitation on guaranteed loans)	*(150,000,000)*	*(150,000,000)*	
Total, Funds Appropriated to the President	5,721,966,000	6,192,109,250	+470,143,250
INDEPENDENT AGENCY			
Peace Corps	124,000,000	128,600,000	+4,600,000
DEPARTMENT OF STATE			
International narcotics control	50,217,000	50,217,000	
Migration and refugee assistance	341,450,000	325,500,000	−15,950,000

See footnotes at end of table, pp. 1889–1890.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1985, (H.R. 6237)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1985 (H.R. 6237) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 13, 1984. S. 2793 was reported by the Committee on Appropriations of the Senate on June 26, 1984. The bill was not acted on by the full Senate or the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(e)(1) of Public Law 98-473 for those programs and activities normally included in H.R. 6237 (see pp. 327-346, this volume, for Sec. 101(e)(1) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Anti-terrorism assistance	$5,000,000	$5,000,000	
Peacekeeping operations [4]	49,000,000	[4] 44,000,000	−$5,000,000
Total, Department of State	445,667,000	424,717,000	−20,950,000
Total, title II, Bilateral Economic Assistance:			
New budget *(obligational)* authority	6,291,633,000	6,745,426,250	+453,793,250
(Limitation on direct loans)	*(15,000,000)*	*(15,000,000)*	
(Limitation on guaranteed loans)	*(310,000,000)*	*(310,000,000)*	
TITLE III—MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Military Assistance	924,500,000	805,100,000	−119,400,000
Special Defense Acquisition Fund *(limitation on obligations)*	*(325,000,000)*	*(325,000,000)*	
International Military Education and Training	60,910,000	56,221,000	−4,689,000
Foreign Military Credit Sales: Direct credits and forgiven loans	5,100,000,000	4,939,500,000	−160,500,000
Guarantee Reserve Fund	274,000,000	109,000,000	−165,000,000
Total, title III, Military Assistance:			
New budget *(obligational)* authority	6,359,410,000	5,909,821,000	−449,589,000
(Limitation on obligations)	*(325,000,000)*	*(325,000,000)*	
TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES			
Limitation of Program Activity:			
New budget *(obligational)* authority [5]	3,830,000,000	[5] 3,865,000,000	+35,000,000
(Limitation on direct loans) [5]	*(3,830,000,000)*	[5] *(3,865,000,000)*	*(+35,000,000)*
(Limitation on guaranteed loans)	*(10,000,000,000)*	*(10,000,000,000)*	
(Limitation on administrative expenses)	*(18,930,000)*	*(18,900,000)*	*(−30,000)*
Total, title IV, Export-Import Bank:			
New budget *(obligational)* authority	3,830,000,000	3,865,000,000	+35,000,000
(Limitations on use of corporate funds)	*(13,848,930,000)*	*(13,883,900,000)*	*(+34,970,000)*
Grand total, all titles:			
New budget *(obligational)* authority	18,271,016,226	18,190,366,636	−80,649,590
(Limitation on guaranteed loans)	*(10,310,000,000)*	*(10,310,000,000)*	
(Limitation on direct loans)	*(3,845,000,000)*	*(3,880,000,000)*	*(+35,000,000)*
(Limitation on callable capital)	*(3,684,012,169)*	*(2,465,011,934)*	*(−1,219,000,235)*
(Foreign currency program)	*(1,100,000)*	*(1,100,000)*	
(Program limitation)	*(300,000,000)*	*(300,000,000)*	
(Limitation on administrative expenses	*(18,930,000)*	*(18,900,000)*	*(−30,000,000)*

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[1] Includes the following budget amendments:

H. Doc. 98-174:	
Funds Appropriated to the President:	
International Security Assistance:	
Economic support fund	$370,600,000
Military assistance	124,500,000
Foreign military sales credit	−15,000,000
Agency for International Development:	
Operating expenses	6,016,000
Functional development assistance program:	
Agriculture, rural development, and nutrition Development Assistance	13,680,000
Population, Development Assistance	4,970,000
Health, Development Assistance	22,580,000
Education and human resources development, Development Assistance	58,090,000
Functional development assistance program—Continued	
Energy and selected development activities, Development Assistance	$57,480,000
Housing and other credit guaranty program	10,000,000
(Limitation on guaranteed loans)	*(10,000,000)*
Peace Corps: Operating expenses	9,000,000
Total, H. Doc. 98-174 (net)	661,916,000
H. Doc. 98-193:	
Funds Appropriated to the President:	
Multilateral Assistance:	
Contribution to the Inter-American Development Bank	−7,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1985, (H.R. 6237)—Continued

H. Doc. 98-259	
Funds Appropriated to the President:	
Multilateral Assistance:	
Contribution to the Inter-American Development Bank:	
Fund for special operations	$72,500,000
Inter-American Investment Corporation	20,000,000
(Limitation on callable capital)	*(424,500,122)*
Contribution to the International Development Association	150,000,000
Contribution to the Asian Development Bank: Development fund	47,116,170
Contribution to the International Bank for Reconstruction and Development: Paid-in capital	30,000,000
(Limitation on callable capital)	*(370,000,000)*
Agency for International Development:	
Trade credit insurance program limitation	*($300,000,000)*
Total, H. Doc. 98-259	319,616,170
Total, budget amendments (net)	**974,532,170**

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[2] Proposed for later transmittal.

[3] Reappropriation amount is estimated. Shown on p. 341 of bill under "General Provisions".

[4] Shown in bill under "Agency for International Development" (see p. 334, this volume).

[5] Export-Import Bank budget authority in fiscal year 1985 is calculated as equal to the level of direct loans. Offsetting receipts calculated in previous years will no longer be included in setting new budget authority levels.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-371, APPROVED JULY 18, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing:			
(Increased limitation for annual contract authority)	*($675,435,647)*	*($847,524,808)*	*(+$172,089,161)*
Contract authority	6,243,437,000	10,759,482,775	+4,516,045,775
Rescission of assisted housing deobligations, (contract authority, indefinite)		[2] −2,754,713,000	−2,754,713,000
(Rescission of limitation for assisted housing deobligations, annual contract authority)		*(−108,385,000)*	*(−108,385,000)*
Total, annual contributions for assisted housing *(net)*	6,243,437,000	8,004,769,775	+1,761,332,775
(Increased limitation for annual contract authority) (net)	*(675,435,647)*	*(739,139,808)*	*(+63,704,161)*
Rent supplement *(rescission of contract authority, indefinite)*	*(−1,834,074,000)*	−1,834,074,000	[3] −1,834,074,000
(Limitation on annual contract authority, indefinite)	*(−81,617,000)*	*(−81,617,000)*	
Rental housing assistance *(rescission of contract authority, indefinite)*	*(−164,760,000)*	−164,760,000	[3] −164,760,000
(Limitation on annual contract authority, indefinite)	*(−7,631,000)*	*(−7,631,000)*	
Housing for the elderly or handicapped fund *(authority to borrow, indefinite)*	498,318,000	598,318,000	+100,000,000
(Limitation on direct loans)	*(500,000,000)*	*(600,000,000)*	*(+100,000,000)*
Congregate services		4,144,000	+4,144,000
Payments for operation of low-income housing projects	1,123,500,000	1,138,500,000	+15,000,000
Housing counseling assistance		3,500,000	+3,500,000
Federal Housing Administration Fund	387,683,000	387,683,000	
Portion applied to debt reduction	−215,000,000	−215,000,000	
(Limitation on guaranteed loans)	*(50,900,000,000)*	*(50,900,000,000)*	
Temporary mortgage assistance payments *(limitation on direct loans)*	*(65,448,000)*	*(65,448,000)*	
Total, Federal Housing Administration Fund	172,683,000	172,683,000	
Nonprofit sponsor assistance *(limitation on direct loans)*	*(1,880,000)*	*(1,880,000)*	
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Payment of participation sales insufficiencies	745,000	745,000	
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*	*(68,250,000,000)*	*(68,250,000,000)*	
Total, Housing Programs *(net)*	8,038,683,000	7,923,825,775	−114,857,225
SOLAR ENERGY AND ENERGY CONSERVATION BANK			
Assistance for solar and conservation improvements		15,000,000	+15,000,000
COMMUNITY PLANNING AND DEVELOPMENT			
Community development grants	3,468,000,000	3,472,000,000	+4,000,000
(Limitation on guaranteed loans)		*(225,000,000)*	*(+225,000,000)*
Urban development action grants	440,000,000	440,000,000	
Urban homesteading	12,000,000	12,000,000	
Total, Community Planning and Development	3,920,000,000	3,924,000,000	+4,000,000

See footnotes at end of table, p. 1894.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-371, APPROVED JULY 18, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
POLICY DEVELOPMENT AND RESEARCH			
Research and technology	$20,900,000	$16,900,000	−$4,000,000
FAIR HOUSING AND EQUAL OPPORTUNITY			
Fair housing assistance	6,700,000	6,700,000	
MANAGEMENT AND ADMINISTRATION			
Salaries and expenses	295,235,000	295,235,000	
(By transfer, limitation on FHA corporate funds)	*(282,085,000)*	*(282,085,000)*	
Administrative provisions *(appropriations to liquidate contract authority)*	[4]*(11,663,000,000)*	[4]*(11,663,000,000)*	
Total, title I, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*	12,281,518,000	12,181,660,775	−99,857,225
Appropriations	(5,754,763,000)	(5,792,407,000)	(+37,644,000)
Portion applied to debt reduction	(−215,000,000)	(−215,000,000)	
Contract authority	(6,243,437,000)	(10,759,482,775)	(+4,516,045,775)
Rescission of contract authority, indefinite	*(−1,998,834,000)*	(−4,753,547,000)	[3](−4,753,547,000)
Authority to borrow	(498,318,000)	(598,318,000)	(+100,000,000)
(Appropriations to liquidate contract authority)	*(11,663,000,000)*	*(11,663,000,000)*	
(Increased limitation for annual contract authority) (net)	*(675,435,647)*	*(739,139,808)*	*(+63,704,161)*
(Limitation on annual contract authority, indefinite)	*(−89,248,000)*	*(−89,248,000)*	
(Limitation on direct loans)	*(567,328,000)*	*(667,328,000)*	*(+100,000,000)*
(Limitation on guaranteed loans)	*(119,150,000,000)*	*(119,375,000,000)*	*(+225,000,000)*
(Limitation on corporate funds to be expended)	*(282,085,000)*	*(282,085,000)*	
TITLE II			
INDEPENDENT AGENCIES			
AMERICAN BATTLE MONUMENTS COMMISSION			
Salaries and expenses	11,065,000	11,065,000	
CONSUMER PRODUCT SAFETY COMMISSION			
Salaries and expenses	35,000,000	36,000,000	+1,000,000
DEPARTMENT OF DEFENSE—CIVIL			
CEMETERIAL EXPENSES, ARMY			
Salaries and expenses	7,759,000	7,759,000	
ENVIRONMENTAL PROTECTION AGENCY			
Salaries and expenses	639,275,000	656,275,000	+17,000,000
Research and development	163,437,000	193,000,000	+29,563,000
Abatement, control and compliance	396,042,000	447,500,000	+51,458,000
Buildings and facilities	10,500,000	12,000,000	+1,500,000
Payment to the hazardous substance response trust fund	44,000,000	44,000,000	
Hazardous substance response trust fund	640,000,000	620,000,000	−20,000,000
(Limitation on administrative expenses)		*(87,573,000)*	*(+87,573,000)*
Construction grants	2,400,000,000	2,400,000,000	
Total, Environmental Protection Agency	4,293,254,000	4,372,775,000	+79,521,000

See footnotes at end of table, p. 1894

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-371, APPROVED JULY 18, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality	$700,000	$700,000	
Office of Science and Technology Policy	2,194,000	2,194,000	
Total, Executive Office of the President	2,894,000	2,894,000	
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Disaster relief	100,000,000	100,000,000	
Salaries and expenses	134,014,000	130,149,000	−$3,865,000
Emergency management planning and assistance	396,058,000	331,219,000	−64,839,000
National flood insurance fund	200,205,000	200,205,000	
Portion applied to debt reduction	−200,205,000	−200,205,000	
Total, Federal Emergency Management Agency	630,072,000	561,368,000	−68,704,000
GENERAL SERVICES ADMINISTRATION			
Consumer Information Center	349,000	1,149,000	+800,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Office of Consumer Affairs	2,096,000	2,096,000	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development	2,400,100,000	2,422,600,000	+22,500,000
Space flight, control and data communications	3,600,300,000	3,601,800,000	+1,500,000
Construction of facilities	160,000,000	150,000,000	−10,000,000
Research and program management	1,331,000,000	1,317,000,000	−14,000,000
Total, National Aeronautics and Space Administration	7,491,400,000	7,491,400,000	
NATIONAL CREDIT UNION ADMINISTRATION			
Central liquidity facility:			
(Limitation on direct loans)	*(600,000,000)*	*(600,000,000)*	
(Limitation on corporate funds to be expended)	*(850,000)*	*(850,000)*	
NATIONAL SCIENCE FOUNDATION			
Research and related activities	1,308,212,000	1,301,912,000	−6,300,000
Program development and management *(limitation on administrative expenses)*	*(70,902,000)*	*(70,302,000)*	*(−600,000)*
United States Antarctic Program activities	115,080,000	110,080,000	−5,000,000
Science education activities	75,700,000	87,000,000	+11,300,000
Scientific activities overseas *(special foreign currency program)*	2,800,000	2,800,000	
Total, National Science Foundation	1,501,792,000	1,501,792,000	
NEIGHBORHOOD REINVESTMENT CORPORATION			
Payment to the Neighborhood Reinvestment Corporation	15,271,000	15,512,000	+241,000
SELECTIVE SERVICE SYSTEM			
Salaries and expenses	28,130,000	27,780,000	−350,000
DEPARTMENT OF THE TREASURY			
Payments to Local Government Fiscal Assistance Trust Fund	4,566,700,000	4,566,700,000	
Office of Revenue Sharing, salaries and expenses	7,941,000	7,941,000	
Total, Department of the Treasury	4,574,641,000	4,574,641,000	

See footnotes at end of table, p. 1894.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-371, APPROVED JULY 18, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
VETERANS ADMINISTRATION			
Compensation and pensions	$13,992,900,000	$13,992,900,000	
Readjustment benefits	1,137,800,000	1,137,800,000	
Veterans insurance and indemnities	11,000,000	11,000,000	
Medical care	8,767,435,000	8,792,165,000	+$24,730,000
Medical and prosthetic research	192,695,000	192,695,000	
Medical administration and miscellaneous operating expenses	73,013,000	70,000,000	−3,013,000
General operating expenses	755,454,000	750,454,000	−5,000,000
Construction, major projects	619,594,000	568,194,000	−51,400,000
Construction, minor projects	202,200,000	200,200,000	−2,000,000
(Limitation on administrative expenses)	*(41,104,000)*	*(39,104,000)*	*(−2,000,000)*
Grants for construction of State extended care facilities	34,500,000	34,500,000	
Grants for construction of State veterans cemeteries	5,000,000	5,000,000	
Grants to the Republic of the Philippines	500,000	500,000	
Direct loan revolving fund *(limitation on direct loans)*		*(1,000,000)*	*(+1,000,000)*
Total, Veterans Administration	25,792,091,000	25,755,408,000	−36,683,000
Total, title II, Independent Agencies:			
New budget *(obligational)* authority	44,385,814,000	44,361,639,000	−24,175,000
Appropriations	(44,586,019,000)	(44,561,844,000)	*(−24,175,000)*
Portion applied to debt reduction	(−200,205,000)	(−200,205,000)	
(Limitation on administrative expenses)	*(112,006,000)*	*(196,979,000)*	*(+84,973,000)*
(Limitation on direct loans)	*(600,000,000)*	*(601,000,000)*	*(+1,000,000)*
(Limitation on corporate funds to be expended)	*(850,000)*	*(850,000)*	
TITLE III			
CORPORATIONS			
Federal Home Loan Bank Board:			
(Limitation on non-administrative expenses, corporate funds)	*(43,184,000)*	*(43,184,000)*	
(Limitation on administrative expenses, corporate funds)	*(24,381,000)*	*(24,381,000)*	
Federal Savings and Loan Insurance Corporation, *(limitation on administrative expenses, corporate funds)*	*(1,343,000)*	*(1,343,000)*	
Total, title III, Corporations *(limitation on corporate funds to be expended)*	*(68,908,000)*	*(68,908,000)*	
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority *(net)*	56,667,332,000	56,543,299,775	−124,032,225
Appropriations	(50,340,782,000)	(50,354,251,000)	(+13,469,000)
Portion applied to debt reduction	(−415,205,000)	(−415,205,000)	
Contract authority	(6,243,437,000)	(10,759,482,775)	(+4,516,045,775)
Rescission of contract authority, indefinite	*(−1,998,834,000)*	(−4,753,547,000)	[3](−4,753,547,000)
Authority to borrow	(498,318,000)	(598,318,000)	(+100,000,000)
(Appropriations to liquidate contract authority)	*(11,663,000,000)*	*(11,663,000,000)*	
(Increased limitation for annual contract authority) (net)	*(675,435,647)*	*(739,139,808)*	*(+63,704,161)*
(Limitation on administrative expenses)	*(112,006,000)*	*(196,979,000)*	*(+84,973,000)*
(Limitation on annual contract authority, indefinite)	*(−89,248,000)*	*(−89,248,000)*	
(Limitation on direct loans)	*(1,167,328,000)*	*(1,268,328,000)*	*(+101,000,000)*
(Limitation on guaranteed loans)	*(119,150,000,000)*	*(119,375,000,000)*	*(+225,000,000)*
(Limitation on corporate funds to be expended)	*(351,843,000)*	*(351,843,000)*	

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[1] Includes the following budget amendments:

H. Doc. 98-218:

Other Independent Agencies:

Federal Home Loan Bank Board:

Limitation on nonadministrative expenses (corporate funds)	*($1,480,000)*

Excludes following budget amendments:

H. Doc. 98-229:

Veterans Administration:

Compensation	−$81,000,000
Pensions	−38,100,000
Total, H. Doc. 98-229	−119,100,000

[2] Indefinite amount; estimated.

[3] Reflects actual rescission rather than comparison with request.

[4] The President's budget proposed that "permanent indefinite appropriations" be enacted for each of the separate programs covered under the consolidated appropriation for housing payments (appropriations to liquidate contract authorizations). The enacted bill established such permanent indefinite appropriations (see p. 174, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (H.R. 5973)

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was passed by the House of Representatives on August 2, 1984, and was subsequently considered in the Senate, but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(c) of Public Law 98-473 for those programs and activities normally included in H.R. 5973 (see pp. 283-319, this volume, for Sec. 101(c) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Management of lands and resources	$353,159,000	$385,972,000	+$32,813,000
Construction and access	1,228,000	1,203,000	−25,000
Payments in lieu of taxes	105,000,000	102,900,000	−2,100,000
Land acquisition		2,695,000	+2,695,000
Oregon and California grant lands	49,747,000	54,289,000	+4,542,000
Special acquisition of lands and minerals *(authority to borrow)*	10,000,000	14,700,000	+4,700,000
Range improvements *(indefinite)*	10,000,000	10,000,000	
Service charges, deposits, and forfeitures *(indefinite)*	9,075,000	5,468,000	−3,607,000
Miscellaneous trust funds *(indefinite)*	100,000	100,000	
Total, Bureau of Land Management	538,309,000	[2] 577,327,000	+39,018,000
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource management	291,850,000	305,138,000	+13,288,000
Construction and anadromous fish	9,127,000	24,298,000	+15,171,000
Migratory bird conservation account		21,266,000	+21,266,000
Land acquisition	57,500,000	63,218,000	+5,718,000
National Wildlife Refuge Fund	5,760,000	5,645,000	−115,000
Total, United States Fish and Wildlife Service	364,237,000	419,565,000	+55,328,000
NATIONAL PARK SERVICE			
Operation of the national park system	624,648,000	612,858,000	−11,790,000
National recreation and preservation	9,543,000	11,111,000	+1,568,000
Historic preservation fund		25,480,000	+25,480,000
Visitors facilities fund	6,000,000	5,880,000	−120,000
Construction	78,275,000	111,442,000	+33,167,000
(Liquidation of contract authority)		*(28,000,000)*	*(+28,000,000)*
Land acquisition and state assistance	100,000,000	147,216,000	+47,216,000
John F. Kennedy Center for the Performing Arts	4,621,000	4,529,000	−92,000
National Capital Region Arts and Cultural Affairs (FY 1986)		4,900,000	+4,900,000
Illinois and Michigan Canal National Heritage Corridor Commission		245,000	+245,000
Jefferson National Expansion Memorial Commission		73,000	+73,000
Total, National Park Service	823,087,000	923,734,000	+100,647,000
Appropriations, fiscal year 1985	(823,087,000)	(918,834,000)	(+95,747,000)
Appropriations, fiscal year 1986		(4,900,000)	(+4,900,000)
GEOLOGICAL SURVEY			
Surveys, investigations, and research	382,312,000	412,251,000	+29,939,000
MINERALS MANAGEMENT SERVICE			
Leasing and royalty management	167,381,000	163,482,000	−3,899,000
BUREAU OF MINES			
Mines and minerals	117,634,000	135,959,000	+18,325,000

See footnotes at end of table, p. 1899.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (H.R. 5973)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was passed by the House of Representatives on August 2, 1984, and was subsequently considered in the Senate, but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(c) of Public Law 98-473 for those programs and activities normally included in H.R. 5973 (see pp. 283-319, this volume, for Sec. 101(c) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and technology	$69,689,000	$75,092,000	+$5,403,000
Abandoned mine reclamation fund *(definite, trust fund)*	291,701,000	296,941,000	+5,240,000
Total, Office of Surface Mining Reclamation and Enforcement	361,390,000	372,033,000	+10,643,000
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs	855,372,000	877,916,000	+22,544,000
Construction	73,324,000	107,492,000	+34,168,000
Road construction		5,880,000	+5,880,000
Utah Paiute Trust Fund		2,450,000	+2,450,000
Tribal trust funds:			
Definite amount	4,000,000	4,000,000	
Indefinite amount	60,000,000	60,000,000	
Total Tribal Trust Funds	64,000,000	64,000,000	
Revolving fund for loans *(limitation on direct loans)*	*(16,100,000)*	*(18,600,000)*	*(+2,500,000)*
Total, Bureau of Indian Affairs	992,696,000	1,057,738,000	+65,042,000
TERRITORIAL AND INTERNATIONAL AFFAIRS			
Administration of territories	53,829,000	75,557,000	+21,728,000
Trust Territory of the Pacific Islands	96,132,000	98,795,000	+2,663,000
Total, Territorial Affairs	149,961,000	174,352,000	+24,391,000
DEPARTMENTAL OFFICES			
Office of the Secretary	47,371,000	44,633,000	−2,738,000
Office of the Solicitor	20,157,000	20,137,000	−20,000
Office of Inspector General	18,053,000	16,908,000	−1,145,000
Construction Management		735,000	+735,000
Office of the Secretary *(special foreign currency program)*		1,960,000	+1,960,000
Total, Departmental Offices	85,581,000	84,373,000	−1,208,000
Total, title I, Department of the Interior:			
New budget *(obligational)* authority	3,982,588,000	[3]4,320,814,000	+338,226,000
Appropriations, fiscal year 1985	(3,982,588,000)	[3](4,315,914,000)	(+333,326,000)
Appropriations, fiscal year 1986		(4,900,000)	(+4,900,000)
(Liquidation of contract authority)		*(28,000,000)*	*(+28,000,000)*
(Limitation on direct loans)	*(16,100,000)*	*(18,600,000)*	*(+2,500,000)*
TITLE II—RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest research	103,070,000	120,964,000	+17,894,000
State and private forestry	25,505,000	58,315,000	+32,810,000
National forest system	1,036,959,000	1,045,680,000	+8,721,000

See footnotes at end of table, p. 1899.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (H.R. 5973)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was passed by the House of Representatives on August 2, 1984, and was subsequently considered in the Senate, but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(c) of Public Law 98-473 for those programs and activities normally included in H.R. 5973 (see pp. 283-319, this volume, for Sec. 101(c) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Construction	$253,898,000	$263,262,000	+$9,364,000
Purchaser credit transfer		−226,290,000	−226,290,000
Timber receipts transfer to General Fund *(indefinite)*	*(−90,095,000)*	*(−90,095,000)*	
Timber purchaser credits *(indefinite)*	*(286,226,000)*	*(192,301,000)*	*(−93,925,000)*
Total, Construction:			
New budget *(obligational)* authority *(net)*	*(253,898,000)*	*(36,972,000)*	*(−216,926,000)*
Timber receipts and credits *(indefinite) (net)*	*(196,131,000)*	*(102,206,000)*	*(−93,925,000)*
Land acquisition	9,635,000	43,603,000	+33,968,000
Acquisition of lands for national forests, special acts	782,000	766,000	−16,000
Acquisition of lands to complete land exchanges *(indefinite)*	20,000	20,000	
Range betterment fund *(indefinite)*	3,665,000	3,665,000	
Miscellaneous trust funds	90,000	88,000	−2,000
Total, Department of Agriculture	1,433,624,000	[4] 1,310,073,000	−123,551,000
DEPARTMENT OF THE TREASURY			
Energy Security Reserve *(rescission, fiscal year 1980)*		[5] −5,375,000,000	−5,375,000,000
DEPARTMENT OF ENERGY			
Fossil energy research and development	199,881,000	274,947,000	+75,066,000
(By transfer)	*(48,496,000)*	*(50,496,000)*	*(+2,000,000)*
Naval petroleum and oil shale reserves	166,544,000	156,874,000	−9,670,000
Energy conservation	390,077,000	458,610,000	+68,533,000
Economic regulation	27,157,000	24,742,000	−2,415,000
Emergency preparedness		6,096,000	+6,096,000
Strategic Petroleum Reserve account	*(1,889,550,000)*	*(2,049,550,000)*	*(+160,000,000)*
Energy Information Administration	57,863,000	60,424,000	+2,561,000
Total, Department of Energy	841,522,000	981,693,000	+140,171,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH SERVICES ADMINISTRATION			
Indian health services	741,950,000	793,728,000	+51,778,000
Indian health facilities		61,634,000	+61,634,000
Total, Department of Health and Human Services	741,950,000	855,362,000	+113,412,000
DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Indian education	68,780,000	67,404,000	−1,376,000
OTHER RELATED AGENCIES			
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
Salaries and expenses	20,736,000	20,321,000	−415,000
SMITHSONIAN INSTITUTION			
Salaries and expenses	170,682,000	162,415,000	−8,267,000
Museum programs and related research *(special foreign currency program)*	9,000,000	8,820,000	−180,000

See footnotes at end of table, p. 1899.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (H.R. 5973)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was passed by the House of Representatives on August 2, 1984, and was subsequently considered in the Senate, but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(c) of Public Law 98-473 for those programs and activities normally included in H.R. 5973 (see pp. 283-319, this volume, for Sec. 101(c) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Construction and improvements, National Zoological Park	$3,500,000	$4,851,000	+$1,351,000
Restoration and renovation of buildings	13,750,000	13,475,000	−275,000
Subtotal	196,932,000	189,561,000	−7,371,000
National Gallery of Art, salaries and expenses	36,121,000	36,085,000	−36,000
Woodrow Wilson International Center for Scholars, salaries and expenses	2,712,000	2,658,000	−54,000
Total, Smithsonian Institution	235,765,000	228,304,000	−7,461,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
NATIONAL ENDOWMENT FOR THE ARTS			
Grants and administration	101,000,000	118,678,000	+17,678,000
Administrative expenses	15,375,000	15,582,000	+207,000
Subtotal	116,375,000	134,260,000	+17,885,000
Matching grants	27,500,000	29,400,000	+1,900,000
Total, National Endowment for the Arts	143,875,000	163,660,000	+19,785,000
NATIONAL ENDOWMENT FOR THE HUMANITIES			
Grants and administration	79,250,000	95,207,000	+15,957,000
Administrative expenses	14,225,000	13,891,000	−334,000
Subtotal	93,475,000	109,098,000	+15,623,000
Matching grants	32,000,000	30,380,000	−1,620,000
Total, National Endowment for the Humanities	125,475,000	139,478,000	+14,003,000
INSTITUTE OF MUSEUM SERVICES			
Grants and administration	11,612,000	21,560,000	+9,948,000
Total, National Foundation on the Arts and the Humanities	280,962,000	324,698,000	+43,736,000
COMMISSION OF FINE ARTS			
Salaries and expenses	380,000	372,000	−8,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	1,168,000	1,546,000	+378,000
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	2,765,000	2,670,000	−95,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION			
Salaries and expenses	21,000	21,000	

See footnotes at end of table, p. 1899.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1985 (H.R. 5973)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1985 (H.R. 5973) was not approved by the Congress. The bill was passed by the House of Representatives on August 2, 1984, and was subsequently considered in the Senate, but was not voted on by that body. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(c) of Public Law 98-473 for those programs and activities normally included in H.R. 5973 (see pp. 283-319, this volume, for Sec. 101(c) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Salaries and expenses	$2,330,000	$2,254,000	−$76,000
Public development	4,500,000	4,410,000	−90,000
Total, Pennsylvania Avenue Development Corporation	6,830,000	6,664,000	−166,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE			
Permitting and enforcement	2,934,000	1,401,000	−1,533,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL			
Holocaust Memorial Council	2,051,000	1,990,000	−61,000
Total, title II, Related Agencies:			
New budget *(obligational)* authority *(net)*	3,639,488,000	−1,572,481,000	−5,211,969,000
Appropriations, definite	(3,635,803,000)	(3,798,834,000)	(+163,031,000)
Appropriations, indefinite	(3,685,000)	(3,685,000)	
Rescission		−5,375,000,000	−5,375,000,000
(Timber receipt transfer to general fund indefinite)	*(−90,095,000)*	*(−90,095,000)*	
(Timber purchaser credits)	*(286,226,000)*	*(192,301,000)*	*(−93,925,000)*
(By transfer)	*(48,496,000)*	*(50,496,000)*	*(+2,000,000)*
(Off-budget, Strategic Petroleum Reserve account)	*(1,889,550,000)*	*(2,049,550,000)*	*(+160,000,000)*
Total, Department of the Interior and Related Agencies Appropriations:			
New budget *(obligational)* authority *(net)*	7,622,076,000	2,748,333,000	−4,873,743,000
Appropriations, fiscal year 1985	(7,622,076,000)	(8,118,433,000)	(+496,357,000)
Appropriations, definite	(7,539,216,000)	(8,039,180,000)	(+499,964,000)
Appropriations, indefinite	(82,860,000)	(79,253,000)	−3,607,000
Appropriations, fiscal year 1986		(4,900,000)	(+4,900,000)
Rescission, fiscal year 1980		[5](−5,375,000,000)	(−5,375,000,000)
(Liquidation of contract authority)		*(28,000,000)*	*(+28,000,000)*
(Limitation on direct loans)	*(16,100,000)*	*(18,600,000)*	*(+2,500,000)*
(Timber receipt transfer to general fund indefinite)	*(−90,095,000)*	*(−90,095,000)*	
(Timber purchaser credits)	*(286,226,000)*	*(192,301,000)*	*(−93,925,000)*
(By transfer)	*(48,496,000)*	*(50,496,000)*	*(+2,000,000)*
(Off-budget, Strategic Petroleum Reserve account)	*(1,889,550,000)*	*(2,049,550,000)*	*(+160,000,000)*

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[1] Includes the following budget amendments:
H. Doc. 98-236:
Department of Energy:
Energy Programs:

Naval petroleum and oil shale reserves	−$57,260,000

[2] Includes $15,568,000 in "indefinite" appropriations.

[3] Includes $75,568,000 in "indefinite" appropriations.

[4] Includes $3,685,000 in "indefinite" appropriations.

[5] Of which $750,000,000 deposited and retained in separate account "Clean Coal Technology Reserve" (98 Stat. 1860, Public Law 98-473, approved October 14, 1986; see p. 305, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Program administration	$65,922,000	$67,625,000	+$1,703,000
(Limitation on trust fund transfer)	*(45,200,000)*	*(45,200,000)*	
Training and employment services	3,610,624,000	3,769,545,000	+158,921,000
Community service employment for older Americans	317,300,000	326,000,000	+8,700,000
Federal unemployment benefits and allowances	56,000,000	75,000,000	+19,000,000
State unemployment insurance and employment service operations	23,500,000	23,500,000	
(Limitation on trust fund transfer)	*(2,422,598,000)*	*(2,387,065,000)*	*(−35,533,000)*
Total, Employment and Training Administration	4,073,346,000	4,261,670,000	+188,324,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION			
Salaries and expenses	61,186,000	60,211,000	−975,000
EMPLOYMENT STANDARDS ADMINISTRATION			
Salaries and expenses	191,982,000	192,582,000	+600,000
(Limitation on trust fund transfer)	*(397,000)*	*(397,000)*	
Special benefits	211,400,000	211,400,000	
Black Lung Disability Trust Fund:			
Definite	949,244,000	949,244,000	
Indefinite	756,000	756,000	
Total, Black Lung Disability Trust Fund	950,000,000	950,000,000	
Total, Employment Standards Administration	1,353,382,000	1,353,982,000	+600,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	217,752,000	219,652,000	+1,900,000
MINE SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	150,550,000	150,550,000	
BUREAU OF LABOR STATISTICS			
Salaries and expenses	146,860,000	152,860,000	+6,000,000
(Limitation on trust fund transfer)	*(20,420,000)*	*(20,420,000)*	
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	99,730,000	102,330,000	+2,600,000
(Limitation on trust fund transfer)	*(240,000)*	*(240,000)*	
Assistant Secretary for Veterans Employment and Training *(limitation on trust fund transfer)*	*(122,172,000)*	*(122,172,000)*	
Special foreign currency program	200,000	67,000	−133,000
Office of the Inspector General	39,465,000	39,323,000	−142,000
(Limitation on trust fund transfer)	*(4,300,000)*	*(4,300,000)*	
Total, Departmental Management	139,395,000	141,720,000	+2,325,000
Total, title I, Department of Labor:			
New budget *(obligational)* authority	6,142,471,000	6,340,645,000	+198,174,000
Definite	(6,141,715,000)	(6,339,889,000)	(+198,174,000)
Indefinite	(756,000)	(756,000)	
(Limitation on trust fund transfers)	*(2,615,327,000)*	*(2,579,794,000)*	*(−35,533,000)*

See footnotes at end of table, p. 1905.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Health resources and services[3,4]	$1,173,584,000	$1,427,694,000	+$254,110,000
Medical facilities guarantee and loan fund:			
Federal interest subsidies for medical facilities	26,500,000	26,500,000	
Health Maintenance Organization Loan and Loan Guarantee Fund: *(Limitation on direct loans)*	*(2,600,000)*	*(2,600,000)*	
Total, Health Resources and Services Administration	1,200,084,000	1,454,194,000	+254,110,000
CENTERS FOR DISEASE CONTROL			
Disease control[6]	369,864,000	410,530,000	+40,666,000
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	1,101,069,000	1,183,806,000	+82,737,000
National Heart, Lung, and Blood Institute	718,852,000	805,269,000	+86,417,000
National Institute of Dental Research	91,096,000	100,688,000	+9,592,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	475,324,000	543,576,000	+68,252,000
National Institute of Neurological and Communicative Disorders and Stroke	344,601,000	396,885,000	+52,284,000
National Institute of Allergy and Infectious Diseases	325,379,000	370,965,000	+45,586,000
National Institute of General Medical Sciences	423,853,000	482,260,000	+58,407,000
National Institute of Child Health and Human Development	280,178,000	313,295,000	+33,117,000
National Eye Institute	157,873,000	181,678,000	+23,805,000
National Institute of Environmental Health Sciences	183,755,000	194,819,000	+11,064,000
National Institute on Aging	117,390,000	144,521,000	+27,131,000
Research resources	245,728,000	304,025,000	+58,297,000
John E. Fogarty International Center	11,426,000	11,728,000	+302,000
National Library of Medicine	51,320,000	52,410,000	+1,090,000
Office of the Director	27,509,000	38,304,000	+10,795,000
Buildings and facilities	11,100,000	21,730,000	+10,630,000
Total, National Institutes of Health	4,566,453,000	5,145,959,000	+579,506,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health[6]	845,455,000	922,621,000	+77,166,000
Federal subsidy for Saint Elizabeths Hospital *(indefinite)*	48,595,000	48,595,000	
Total, Alcohol, Drug Abuse and Mental Health Administration	894,050,000	971,216,000	+77,166,000
OFFICE OF ASSISTANT SECRETARY FOR HEALTH			
Public Health Service management	106,553,000	101,803,000	−4,750,000
(Limitation on trust fund transfer)	*(1,050,000)*	*(1,050,000)*	
Retirement pay and medical benefits for commissioned officers *(indefinite)*	86,448,000	78,589,000	−7,859,000
Total, Assistant Secretary for Health	193,001,000	180,392,000	−12,609,000
Total, Public Health Service	7,236,987,000	8,162,291,000	+925,304,000
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	21,222,000,000	21,854,491,000	+632,491,000
Appropriation available from prior year advance	−5,561,000,000	−5,561,000,000	
Advance appropriation, fiscal year 1986	5,980,000,000	5,980,000,000	
Total, Grants to States for Medicaid *(net)*	21,641,000,000	22,273,491,000	+632,491,000
Payments to health care trust funds	19,904,000,000	18,750,000,000	−1,154,000,000

See footnotes at end of table, p. 1905.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Program management[7]	$96,247,000	$98,147,000	+$1,900,000
(Limitation on trust fund transfer)[7]	*(1,084,488,000)*	*(1,084,779,000)*	*(+291,000)*
Total, Health Care Financing Administration *(Federal Funds)*:			
New budget *(obligational)* authority *(net)*	41,641,247,000	41,121,638,000	−519,609,000
Appropriations, 1985	(35,661,247,000)	(35,141,638,000)	(−519,609,000)
Appropriations, 1986	(5,980,000,000)	(5,980,000,000)	
(Limitation on trust fund transfer)	*(1,084,488,000)*	*(1,084,779,000)*	*(+291,000)*
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	512,722,000	512,722,000	
Special benefits for disabled coal miners	1,024,131,000	1,024,131,000	
Advance appropriation for fiscal year 1986	270,000,000	270,000,000	
Total, Special Benefits for Disabled Coal Miners	1,294,131,000	1,294,131,000	
Supplemental security income program	9,383,076,000	9,361,786,000	−21,290,000
Appropriation available in prior year[5]	−36,786,000	−36,786,000	
Advance appropriation for fiscal year 1986	2,345,769,000	2,345,769,000	
Total, Supplementary Security Income Program *(net)*	11,692,059,000	11,670,769,000	−21,290,000
Assistance payments program:			
Direct appropriation	6,944,025,000	8,243,000,000	+1,298,975,000
Appropriation available from prior year advance	−2,073,000,000	−2,073,000,000	
Total adjusted appropriation	4,871,025,000	6,170,000,000	+1,298,975,000
Appropriation available in prior year[5]		−376,000,000	−376,000,000
Total, fiscal year 1985 appropriation current request	4,871,025,000	5,794,000,000	+922,975,000
Advance appropriation for FY 1986	1,812,840,000	2,095,000,000	+282,160,000
Total, Assistance Payments Program *(net)*	6,683,865,000	7,889,000,000	+1,205,135,000
Child support enforcement	563,411,000	635,000,000	+71,589,000
Appropriation available from prior year advance	−138,000,000	−138,000,000	
Total, fiscal year 1985 Child support enforcement	425,411,000	497,000,000	+71,589,000
Appropriation available in prior year[5]		−17,000,000	−17,000,000
Advance appropriation, fiscal year 1986	160,000,000	160,000,000	
Total, Child Support Enforcement *(net)*	585,411,000	640,000,000	+54.589,000
Low income home energy assistance[1]	1,875,000,000	2,100,000,000	+225,000,000
Refugee and entrant assistance[2]			
Limitation on administrative expenses	*(3,724,515,000)*	*(3,787,515,000)*	*(+63,000,000)*
Total, Social Security Administration:			
New budget *(obligational)* authority	22,643,188,000	24,106,622,000	+1,463,434,000
Appropriations, 1985	(18,054,579,000)	(19,235,853,000)	(+1,181,274,000)
Appropriations, 1986	(4,588,609,000)	(4,870,769,000)	(+282,160,000)
(Limitation on administrative expenses)	*(3,724,515,000)*	*(3,787,515,000)*	*(+63,000,000)*
HUMAN DEVELOPMENT SERVICES			
Social Services Block Grant (Title XX)	2,700,000,000	2,700,000,000	
Human Development Services[4]	1,825,749,000	1,996,154,000	+170,405,000
Human resources research and demonstration	4,250,000		−4,250,000
Family Social Services:			
Discretionary activities	168,823,000	217,823,000	+49,000,000
Entitlement activities	473,079,000	473,079,000	
Total, Family Social Services	641,902,000	690,902,000	+49,000,000

See footnotes at end of table, p. 1905.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Work incentives		$266,760,000	+$266,760,000
Total, Human Development Services	$5,171,901,000	5,653,816,000	+481,915,000
OFFICE OF COMMUNITY SERVICES			
Community services block grant	8,679,000	372,435,000	+363,756,000
DEPARTMENTAL MANAGEMENT			
General departmental management	133,000,000	133,000,000	
(Limitation on trust fund transfer)	*(8,000,000)*	*(8,000,000)*	
Office of the Inspector General	58,491,000	53,391,000	−5,100,000
(Limitation on trust fund transfer)	*(20,000,000)*	*(20,000,000)*	
Office for Civil Rights	17,850,000	17,850,000	
(Limitation on trust fund transfer)	*(2,350,000)*	*(2,350,000)*	
Policy research	8,000,000	9,750,000	+1,750,000
Total, Departmental Management	217,341,000	213,991,000	−3,350,000
Total, title II, Department of Health and Human Services:			
New budget *(obligational)* authority *(net)*	76,905,808,000	79,630,793,000	+2,724,985,000
Appropriations, 1985	(66,337,199,000)	(68,780,024,000)	(+2,442,825,000)
Definite	(66,202,156,000)	(68,652,840,000)	(+2,450,684,000)
Indefinite	(135,043,000)	(127,184,000)	(−7,859,000)
Appropriations, 1986	(10,568,609,000)	(10,850,769,000)	(+282,160,000)
(Trust fund limitations)	*(3,724,515,000)*	*(3,787,515,000)*	*(+63,000,000)*
(Limitation on trust fund transfers)	*(1,115,888,000)*	*(1,116,179,000)*	*(+291,000)*
(Limitation on direct loans)	*(2,600,000)*	*(2,600,000)*	
TITLE III—DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Compensatory education for the disadvantaged	3,480,000,000	3,695,663,000	+215,663,000
Special programs[1]	778,879,000	748,109,000	−30,770,000
Bilingual education[1]	139,245,000	142,951,000	+3,706,000
School assistance in federally affected areas *(Impact aid)*	506,630,000	695,000,000	+188,370,000
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES			
Education for the handicapped	1,214,445,000	1,321,270,000	+106,825,000
Rehabilitation services and handicapped research	1,091,660,000	1,233,300,000	+141,640,000
Total, Office of Special Education and Rehabilitation Services	2,306,105,000	2,554,570,000	+248,465,000
Vocational and adult education[1]	831,314,000	831,314,000	
OFFICE OF POSTSECONDARY EDUCATION			
Student financial assistance	3,654,000,000	4,621,000,000	+967,000,000
FY 83 and FY 84 shortfalls		250,000,000	+250,000,000
Total, Student financial assistance	3,654,000,000	4,871,000,000	+1,217,000,000
Guaranteed student loans	2,840,677,000	3,079,477,000	+238,800,000
Higher education[1]	252,071,000	479,083,000	+227,012,000
Higher education facilities loans and insurance	14,194,000	14,194,000	
College housing loans *(loan limitation)*		*(40,000,000)*	*(+40,000,000)*
Total, Office of Postsecondary Education	6,760,942,000	8,443,754,000	+1,682,812,000

See footnotes at end of table, p. 1905.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT			
Educational research and statistics	$62,978,000	$59,978,000	−$3,000,000
Libraries		125,000,000	+125,000,000
Total, Office of Educational Research Improvement	62,978,000	184,978,000	+122,000,000
SPECIAL INSTITUTIONS			
American Printing House for the Blind	5,000,000	5,500,000	+500,000
National Technical Institute for the Deaf	31,400,000	31,400,000	
Gallaudet College[1]	46,835,000	58,700,000	+11,865,000
Howard University	158,230,000	158,230,000	
Total, Special Institutions	241,465,000	253,830,000	+12,365,000
DEPARTMENTAL MANAGEMENT[8]			
Salaries and expenses	243,005,000	241,075,000	−1,930,000
Office for Civil Rights	42,633,000	45,000,000	+2,367,000
Office of the Inspector General	15,312,000	15,312,000	
Total, Departmental management	[8]300,950,000	301,387,000	+437,000
Total, title III, Department of Education, new budget *(obligational)* authority	15,408,508,000	17,851,556,000	+2,443,048,000
TITLE IV—RELATED AGENCIES			
Action: Operating expenses	120,217,000	150,164,000	+29,947,000
Corporation for Public Broadcasting:			
Public broadcasting fund *(advance appropriation) (fiscal year 1987)*	100,000,000	200,000,000	+100,000,000
Federal Mediation and Conciliation Service	22,451,000	23,611,000	+1,160,000
Federal Mine Safety and Health Review Commission	3,837,000	3,837,000	
National Commission on Libraries and Information Science	690,000	720,000	+30,000
National Council on the Handicapped	[8]500,000	750,000	+250,000
National Labor Relations Board	137,964,000	137,964,000	
National Mediation Board	6,358,000	6,358,000	
Occupational Safety and Health Review Commission	6,143,000	6,143,000	
Prospective Payment Assessment Commission *(trust funds)*[7]	*(1,500,000)*	*(2,424,000)*	*(+924,000)*
Railroad Retirement Board:			
Dual benefits payments account	405,000,000	405,000,000	
Federal payment to Railroad Retirement Accounts	15,000,000	15,000,000	
(Limitation on administration)	*(55,422,000)*	*(55,422,000)*	
Soldiers' and Airmen's Home:			
Operation and maintenance *(trust funds)*	32,352,000	32,952,000	+600,000
Capital outlay *(trust funds)*	5,000,000	9,400,000	+4,400,000
Total, title IV, related agencies:			
New budget *(obligational)* authority	855,512,000	991,899,000	+136,387,000
Appropriations, 1985	(755,512,000)	(791,899,000)	(+36,387,000)
Appropriations, 1987	(100,000,000)	(200,000,000)	(+100,000,000)
(Trust fund limitations)	*(56,922,000)*	*(57,846,000)*	*(+924,000)*

See footnotes at end of table, p. 1905.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985, PUBLIC LAW 98-619, APPROVED NOVEMBER 8, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1,2,3,4,5,6,7]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Grand total, titles I, II, III and IV:			
New budget *(obligational)* authority	$99,312,299,000	$104,814,893,000	+$5,502,594,000
Appropriations, 1985	(88,643,690,000)	(93,764,124,000)	(+5,120,434,000)
Definite	(88,507,891,000)	(93,636,184,000)	(+5,128,293,000)
Indefinite	(135,799,000)	(127,940,000)	(−7,859,000)
Appropriations, 1986	(10,568,609,000)	(10,850,769,000)	(+282,160,000)
Appropriations, 1987	(100,000,000)	(200,000,000)	(+100,000,000)
(Limitation on direct loans)	*(2,600,000)*	*(2,600,000)*	
(Limitation on guaranteed loans)		*(40,000,000)*	*(+40,000,000)*
(Trust fund limitations)	*(3,781,437,000)*	*(3,845,361,000)*	*(+63,924,000)*
(Limitation on trust fund transfers)	*(3,731,215,000)*	*(3,695,973,000)*	*(−35,242,000)*

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[1] Includes the following amounts proposed for later transmittal in the President's budget:

Department of Health and Human Services:	
Low Income Home Energy Assistance	$1,875,000,000
Department of Education:	
Special programs	50,000,000
Bilingual education	139,245,000
Vocational education	731,314,000
Higher education	134,416,000
Gallaudet College (Special Institutions)	−9,855,000
American Printing House for the Blind (Special Institution)	−10,000
Total (net)	2,920,110,000

[2] Excludes $359,512,000 requested in the President's budget for Refugee and Entrant Assistance not considered by Congress in H.R. 6028 due to a lack of authorizing legislation. Funds for this activity are provided for under P.L. 98-473, the FY 1985 Continuing Resolution.

[3] Also excludes $13,535,000 requested in the President's budget for Health Resources and Services not considered under H.R. 6028 due to a lack of authorizing legislation. This relates to the health planning program. Funds for this activity are provided for under P.L. 98-473, the FY 1985 Continuing Resolution.

[4] Also excludes $116,000,000 for elderly feeding activities and $80,400,000 for child care feeding activities included in the President's budget under Department of Health and Human Services, Human Development Services. These items were considered under the Agriculture Appropriations Act for FY 1985.

[5] Amounts totalling $429,786,000 are excluded from the totals in this table. Budget authority for these amounts was appropriated as indefinite authority in the FY 1984 Appropriations Act (P.L. 98-139). Funds included in P.L. 98-619 therefore liquidate authority provided in the previous year. This affects the following accounts:

Department of Health and Human Services:	
Supplemental Security Income	$36,786,000
Assistance Payments	376,000,000
Child Support Enforcement	17,000,000
Total	429,786,000

[6] $1,504,000,000 requested in the President's budget under a new "Grants to States for Health" account considered under the traditional account structure as follows:

Health Resources and Services	$941,700,000
Disease Control	89,500,000
Alcohol, Drug Abuse and Mental Health	472,800,000
Total	1,504,000,000

[7] $1,500,000 requested in the President's budget under the Department of Health and Human Services, Health Care Financing Administration, "Program Management" account for the Prospective Payment Assessment Commission appropriated as a Related Agency.

[8] $500,000 requested in the President's budget under Department of Education, "Departmental Management" for the National Commission on the Handicapped considered as a Related Agency.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—CONGRESSIONAL OPERATIONS			
SENATE			
MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS			
Mileage of the Vice President and Senators	$60,000	$60,000	
Expense allowances of the Vice President, the President Pro Tempore, Majority and Minority Leaders, and Majority and Minority Whips:			
Vice President	10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000	
Majority Leader of the Senate	10,000	10,000	
Minority Leader of the Senate	10,000	10,000	
Majority Whip of the Senate	5,000	5,000	
Minority Whip of the Senate	5,000	5,000	
Total, expense allowances	50,000	50,000	
Total, Vice President and Senators	110,000	110,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Vice President	1,083,000	1,083,000	
Office of the President pro tempore	145,000	145,000	
Offices of the Majority and Minority Leaders	1,062,000	1,062,000	
Offices of the Majority and Minority Whips	407,000	407,000	
Conference committees	1,053,000	1,053,000	
Offices of the secretaries of the conference of the Majority and the conference of the Minority	177,000	177,000	
Office of the Chaplain	87,000	87,000	
Office of the Secretary	7,067,000	7,067,000	
Administrative, clerical, and legislative assistance to Senators	98,789,000	98,789,000	
Office of the Sergeant at Arms and Doorkeeper	35,748,000	35,429,000	−$319,000
Offices of the secretaries for the Majority and Minority	856,000	856,000	
Agency contributions	20,487,000	19,487,000	−1,000,000
Total, salaries, officers and employees	166,961,000	165,642,000	−1,319,000
OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE			
Salaries and expenses	1,409,000	1,400,000	−9,000
OFFICE OF SENATE LEGAL COUNSEL			
Salaries and expenses	574,000	565,000	−9,000
Expense allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate	12,000	12,000	
CONTINGENT EXPENSES OF THE SENATE			
Senate policy committees	1,898,000	1,898,000	
Inquiries and investigations	49,048,000	48,050,000	−998,000
Secretary of the Senate	720,000	711,000	−9,000
Sergeant at Arms and Doorkeeper of the Senate	42,264,000	41,214,000	−1,050,000
Miscellaneous items	10,406,000	10,341,000	−65,000
Stationery *(revolving fund)*	12,000	12,000	
Total, contingent expenses of the Senate	104,348,000	102,226,000	−2,122,000
Total, Senate	273,414,000	269,955,000	−3,459,000

See footnotes at end of table, pp. 1910-1911.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
HOUSE OF REPRESENTATIVES			
MILEAGE OF MEMBERS			
Mileage of Members	$210,000	$210,000	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	748,000	748,000	
Office of the Majority Floor Leader	664,000	664,000	
Office of the Minority Floor Leader	740,000	740,000	
Office of the Majority Whip	582,000	582,000	
Office of the Minority Whip	506,000	506,000	
Total, House leadership offices	3,240,000	3,240,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	13,254,000	13,254,000	
Office of the Sergeant at Arms	17,975,000	17,975,000	
Office of the Doorkeeper	6,645,000	6,645,000	
Office of the Postmaster	1,985,000	1,985,000	
Office of the Chaplain	72,000	72,000	
Office of the Parliamentarian	602,000	602,000	
Office for the Bicentennial of the House of Representatives	188,000	188,000	
Office of the Law Revision Counsel of the House	822,000	822,000	
Office of the Legislative Counsel of the House	2,869,000	2,869,000	
Six minority employees	422,000	422,000	
House Democratic Steering Committee and Caucus	563,000	563,000	
House Republican Conference	563,000	563,000	
Other Authorized Employees	987,000	987,000	
Total, salaries, officers and employees	46,947,000	46,947,000	
COMMITTEE EMPLOYEES			
Professional and clerical employees *(standing committees)*	37,808,000	37,808,000	
COMMITTEE ON APPROPRIATIONS (Studies and Investigations)			
Salaries and expenses	4,315,000	4,315,000	
COMMITTEE ON THE BUDGET (Studies)			
Salaries and expenses	329,000	329,000	
MEMBERS' CLERK HIRE			
Clerk hire	165,126,000	164,126,000	−$1,000,000
CONTINGENT EXPENSES OF THE HOUSE			
ALLOWANCES AND EXPENSES			
Official Expenses of Members	68,200,000	68,200,000	
Supplies, materials, administrative costs and Federal tort claims	18,160,000	18,160,000	
Furniture and furnishings	1,270,000	1,270,000	
Stenographic reporting of committee hearings	500,000	500,000	
Reemployed annuitants reimbursements	1,782,000	1,782,000	
Government contributions	32,153,000	32,153,000	
Miscellaneous items	500,000	500,000	
Total, allowances and expenses	122,565,000	122,565,000	

See footnotes at end of table, pp. 1910–1911.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
STANDING COMMITTEES, SPECIAL AND SELECT			
Salaries and expenses	$45,667,000	$45,667,000	
Total, contingent expenses of the House	168,232,000	168,232,000	
Total, House of Representatives	426,207,000	425,207,000	−$1,000,000
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	2,569,000	2,569,000	
Joint Committee on Printing	918,000	909,000	−9,000
Total, contingent expenses of the Senate	3,487,000	3,478,000	−9,000
CONTINGENT EXPENSES OF THE HOUSE			
Joint Committee on Taxation	3,646,000	3,605,000	−41,000
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	956,000	956,000	
CAPITOL POLICE			
General expenses	1,755,000	1,471,000	−284,000
Capitol Police Board	228,000	141,188	−86,812
Total, Capitol Police	1,983,000	1,612,188	−370,812
OFFICIAL MAIL COSTS			
Expenses	73,944,000	73,944,000	
CAPITOL GUIDE SERVICE			
Salaries and expenses	814,000	810,000	−4,000
STATEMENTS OF APPROPRIATIONS			
Preparation	13,000	13,000	
Total, joint items	84,843,000	84,418,188	−424,812
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	16,000,000	15,549,000	−451,000
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	17,650,000	17,418,000	−232,000
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	5,287,000	5,137,000	−150,000
Contingent expenses	235,000	235,000	
Total, Office of the Architect of the Capitol	5,522,000	5,372,000	−150,000
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	[2] 12,156,000	11,615,850	−540,150
Capitol grounds	2,851,000	2,796,000	−55,000
Senate office buildings	19,491,000	19,241,000	−250,000
Fiscal year 1984	1,521,000	1,521,000	
Subtotal, Senate office buildings	21,012,000	20,762,000	−250,000

See footnotes at end of table, pp. 1910-1911.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
House office buildings	$23,162,000	$22,750,000	−$412,000
Capitol Power Plant	24,672,000	23,834,000	−838,000
Rescission, fiscal year 1982		−914,000	−914,000
Total, Capitol buildings and grounds *(net)*	83,853,000	80,843,850	−3,009,150
Total, Architect of the Capitol *(except items in Title II) (net)*	89,375,000	86,215,850	−3,159,150
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	41,066,000	39,833,000	−1,233,000
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	80,879,000	80,800,000	−79,000
Total, title I—Congressional Operations *(net)*	1,029,434,000	1,019,396,038	−10,037,962
Appropriations, fiscal year 1985	(1,027,913,000)	(1,018,789,038)	(−9,123,962)
Appropriations, fiscal year 1984	(1,521,000)	(1,521,000)	
Rescission, fiscal year 1982		(−914,000)	(−914,000)
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	2,044,000	2,044,000	
LIBRARY OF CONGRESS			
Salaries and expenses	138,978,000	137,492,000	−1,486,000
Authority to spend receipts	−4,300,000	−4,300,000	
Total, salaries and expenses *(net)*	134,678,000	133,192,000	−1,486,000
Copyright Office, salaries and expenses	17,133,000	17,102,000	−31,000
Authority to spend receipts	−6,000,000	−6,000,000	
Total, Copyright Office, salaries and expenses *(net)*	11,133,000	11,102,000	−31,000
Books for the blind and physically handicapped, salaries and expenses	36,594,000	36,592,000	−2,000
Collection and distribution of library materials *(special foreign currency program)*	3,618,000	3,318,000	−300,000
(Release of Sec. 311 funds)		*(300,000)*	*(+300,000)*
Furniture and furnishings	1,874,000	1,673,000	−201,000
Total, Library of Congress *(except Congressional Research Service) (net)*	187,897,000	185,877,000	−2,020,000
ARCHITECT OF THE CAPITOL			
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	6,039,000	5,709,000	−330,000
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	722,000	722,000	
Authority to spend receipts	−505,000	−505,000	
Total, Copyright Royal Tribunal *(net)*	217,000	217,000	

See footnotes at end of table, pp. 1910-1911

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985[1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
GOVERNMENT PRINTING OFFICE			
Printing and binding	$13,269,000	$13,200,000	−$69,000
Office of Superintendent of Documents, salaries and expenses	29,747,000	28,868,000	−879,000
Total, Government Printing Office *(except Congressional printing and binding)*	43,016,000	42,068,000	−948,000
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	328,779,000	294,704,000	−34,075,000
RAILROAD ACCOUNTING PRINCIPLES BOARD			
Salaries and expenses		1,000,000	+1,000,000
Total, title II—other agencies *(net)*	567,992,000	531,619,000	−36,373,000
Grand total:			
Title I, Congressional Operations *(net)*	1,029,434,000	1,019,396,038	−10,037,962
Appropriations, fiscal year 1985	(1,027,913,000)	(1,018,789,038)	(−9,123,962)
Appropriations, fiscal year 1984	(1,521,000)	(1,521,000)	
Rescission, fiscal year 1982		(−914,000)	(−914,000)
Title II, Other Agencies *(net)*	567,992,000	531,619,000	−36,373,000
(Release of Sec. 311 funds)		*(300,000*	*(+300,000)*
Total, new budget *(obligational)* authority, Legislative Branch Appropriation Act, 1985 *(net)*	1,597,426,000	1,551,015,038	−46,410,962

[1] Includes the following budget amendments:

H. Doc. 98-169:	
House of Representatives:	
Members' clerk hire	$3,600,000
Joint Items:	
General expenses, Capitol police	110,000
Total, H. Doc. 98-169	3,710,000
H. Doc. 98-218:	
Senate:	
Contingent Expenses of the Senate:	
Sergeant at Arms and Doorkeeper of the Senate	2,249,000
House of Representatives:	
House leadership offices:	
Office of the Speaker	1,000
Office of the Majority Floor Leader	3,000
Office of the Minority Floor Leader	4,000
Office of the Majority Whip	3,000
Office of the Minority Whip	2,000
Total, House leadership offices	13,000
Salaries, officers and employees:	
Office of the Clerk	63,000
Office of the Sergeant at Arms	87,000
Office of the Doorkeeper	32,000
Office of the Postmaster	10,000
Office of the Chaplain	2,000
Office of the Parliamentarian	4,000
Office for the Bicentennial of the House of Representatives	21,000
Office of the Law Revision Counsel	4,000
Office of the Legislative Counsel of the House	6,000
House Democratic Steering Committee and Caucus	4,000
House Republican Conference	4,000
Six minority employees	$3,000
Other authorized employees	2,000
Total, Salaries, officers and employees	242,000
Committee employees	276,000
Committee on Appropriations (Studies and Investigations)	15,000
Members' clerk hire	883,000
Allowances and expenses: Supplies, materials, administrative costs and Federal tort claims	-19,000
Standing Committees, Special and Select	267,000
Total, House of Representatives (net)	1,677,000
Joint Items:	
Capital Guide service	4,000
Joint Committee on Taxation	24,000
Total, joint items	28,000
Total, H. Doc. 98-218 (net)	3,954,000
H. Doc. 98-229:	
Senate:	
Salaries, officers and employees:	
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	1,000
Office of the Chaplain	1,000
Office of the Secretary	33,000
Administrative, clerical, and legislative assistance to Senators	475,000
Office of the Sergeant at Arms and Doorkeeper	446,000
Offices of the Secretaries for the Majority and Minority	3,000
Agency contributions	137,000
Total, Salaries, officers and employees	1,096,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1985, PUBLIC LAW 98-367, APPROVED JULY 17, 1984—Continued

Office of the Legislative Counsel of the Senate: Salaries and expenses	$6,000
Contingent expenses of the Senate:	
Senate policy committees	9,000
Inquiries and investigations	199,000
Sergeant at Arms and Doorkeeper of the Senate	5,000,000
Total, Contingent expenses of the Senate	5,208,000
Total, H. Doc. 98-229	6,310,000
H. Doc. 98-236:	
Senate:	
Salaries, officers and employees:	
Administrative, clerical, and legislative assistance to Senators	93,000
Offices of the Secretaries for the Majority and the Minority	50,000
Contingent expenses of the Senate: Senate policy committees	67,000
Total, H. Doc. 98-236	210,000
Informal budget amendments not officially transmitted to the Congress by the Office of Management and Budget:	
Senate:	
Salaries, officers and employees:	
Office of the Vice President	$6,000
Office of the President pro tempore	1,000
Office of the Majority and Minority leaders	5,000
Office of the Majority and Minority Whips	2,000
Conference committees	6,000
Total, informal budget amendments	20,000
Total, budget amendments (net)	$14,204,000

[a] Excludes budget amendment of $80,000 in H. Doc. 98-229 submitted too late for consideration by the House in this bill.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION BILL, 1985 (H.R. 5898)

[NOTE.—The Military Construction Appropriation Bill, 1985 (H.R. 5898) was not approved by the Congress. The bill was passed by the House of Representatives on June 28, 1984, and was subsequently reported by the Senate Committee on Appropriations on July 26, 1984, but was not taken up on the Senate floor. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(e) of Public Law 98-473 for those programs and activities normally included in H.R. 5898 (see pp. 321-327, this volume, for Sec. 101(e) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Army	$1,900,000,000	$1,593,137,000	−$306,863,000
Military construction, Navy	1,803,300,000	1,534,592,000	−268,708,000
Santa Margarita water project, Navy	142,000,000		−142,000,000
Military construction, Air Force	2,165,400,000	1,572,655,000	−592,745,000
Military construction, Defense agencies	459,500,000	302,198,000	−157,302,000
North Atlantic Treaty Organization Infrastructure	296,700,000	107,200,000	−189,500,000
Military construction, Army National Guard	88,900,000	98,603,000	+9,703,000
Military construction, Air National Guard	102,900,000	111,200,000	+8,300,000
Military construction, Army Reserve	70,400,000	69,306,000	−1,094,000
Military construction, Naval Reserve	60,800,000	60,800,000	
Military construction, Air Force Reserve	67,800,000	67,800,000	
Total, military construction	7,157,700,000	5,517,491,000	−1,640,209,000
Family housing, Army	1,425,454,000	1,348,432,000	−77,022,000
Portion applied to debt reduction	−20,054,000	−20,054,000	
Subtotal, family housing, Army	1,405,400,000	1,328,378,000	−77,022,000
Family housing, Navy	727,886,000	681,075,000	−46,811,000
Portion applied to debt reduction	−23,286,000	−23,286,000	
Subtotal, family housing, Navy	704,600,000	657,789,000	−46,811,000
Family housing, Air Force	1,058,632,000	912,043,000	−146,589,000
Portion applied to debt reduction	−27,932,000	−27,932,000	
Subtotal, family housing, Air Force	1,030,700,000	884,111,000	−146,589,000
Family housing, Defense agencies	19,800,000	17,437,000	−2,363,000
Total family housing *(budget authority)*	3,231,772,000	2,958,987,000	−272,785,000
Total portion applied to debt reduction	−71,272,000	−71,272,000	
Total, family housing	3,160,500,000	2,887,715,000	−272,785,000
Grand total, new budget *(obligational)* authority	10,318,200,000	8,405,206,000	−1,912,994,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5921)

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(i) of Public Law 98-473 for those programs and activities normally included in H.R. 5921 (see pp. 383-400, this volume, for Sec. 101(i) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF TRANSPORTATION			
OFFICE OF THE SECRETARY			
Salaries and expenses	$42,191,000	$50,000,000	+$7,809,000
Transportation planning, research, and development	6,754,000	5,700,000	−1,054,000
(Limitation on working capital fund)	*(66,001,000)*	*(65,500,000)*	*(−501,000)*
Total, Office of the Secretary	48,945,000	55,700,000	+6,755,000
COAST GUARD			
Operating expenses	1,714,131,000	[1] 1,740,000,000	+25,869,000
Appropriation for debt reduction	−202,861	−202,861	
(By transfer)	*(44,941,000)*		*(−44,941,000)*
Total, operating expenses	1,713,928,139	1,739,797,139	+25,869,000
Acquisition, construction, and improvements	362,000,000	344,500,000	−17,500,000
Alteration of bridges	[2] 5,200,000	5,200,000	
Retired pay	334,800,000	330,800,000	−4,000,000
Reserve training	58,833,000	58,833,000	
Research, development, test, and evaluation	23,500,000	23,000,000	−500,000
Offshore oil pollution compensation fund	1,000,000	1,000,000	
(Limitation on obligations)	*(60,000,000)*	*(60,000,000)*	
Deepwater port liability fund	1,000,000	1,000,000	
(Limitation on obligations)	*(50,000,000)*	*(50,000,000)*	
National recreational boating safety and facilities improvement fund:			
(Liquidation of contract authorization)	*(14,750,000)*	*(13,625,000)*	*(−1,125,000)*
(Limitation on obligations)	*(15,000,000)*	*(13,750,000)*	*(−1,250,000)*
Total, Coast Guard *(net)*	2,500,261,139	[3] 2,504,130,139	+3,869,000
FEDERAL AVIATION ADMINISTRATION			
Headquarters administration	72,370,000	66,900,000	−5,470,000
Operations	[4] 2,649,834,000	[5] 2,622,600,000	−27,234,000
Subtotal, Operations and headquarters administration	2,722,204,000	2,689,500,000	−32,704,000
Facilities and equipment *(Airport and Airway Trust Fund)*	1,657,000,000	1,370,000,000	−287,000,000
Research, engineering and development *(Airport and Airway Trust Fund)*	269,000,000	265,000,000	−4,000,000
Grants-in-aid for airports:			
(Liquidation of contract authorization) (Airport and Airway Trust Fund)	*(810,000,000)*	*(810,000,000)*	
(Limitation on obligations)	*(987,000,000)*	*(925,000,000)*	*(−62,000,000)*
Operation and maintenance, Metropolitan Washington Airports	35,931,500	35,931,500	
Construction, Metropolitan Washington Airports	13,500,000	13,000,000	−500,000
Aircraft purchase loan guarantee program *(limitation on borrowing authority)*	*(250,000,000)*	*(125,000,000)*	*(−125,000,000)*
Total, Federal Aviation Administration	4,697,635,500	4,373,431,500	−324,204,000
FEDERAL HIGHWAY ADMINISTRATION			
(Limitation on general operating expenses)	*(217,492,000)*	*(204,891,000)*	*(−12,601,000)*
Highway safety research and development	10,325,000	8,500,000	−1,825,000

See footnotes at end of table, p. 1916.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5921)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(i) of Public Law 98-473 for those programs and activities normally included in H.R. 5921 (see pp. 383-400, this volume, for Sec. 101(i) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Highway-related safety grants:			
(Liquidation of contract authorization) (trust fund)	*($5,000,000)*	*($5,000,000)*	
(Limitation on obligations)	*(10,000,000)*	*(10,000,000)*	
Railroad-highway crossings demonstration projects		15,000,000	+$15,000,000
Intermodal Urban Demonstration Project		2,750,000	+2,750,000
Auto-Pedestrian separation demonstration project		1,750,000	+1,750,000
Federal-aid highways:			
(Liquidation of contract authorization) (trust fund)	*(12,800,000,000)*	*(12,800,000,000)*	
(Limitation on obligations)	*(13,875,000,000)*	*(13,250,000,000)*	*(−625,000,000)*
Right-of-way Revolving Fund *(limitation on direct loans) (trust fund)*	*(50,000,000)*	*(50,000,000)*	
Motor carrier safety	14,066,000	14,066,000	
Motor carrier safety grants	16,000,000	14,000,000	−2,000,000
Access highways to public recreation areas on certain lakes		5,000,000	+5,000,000
Waste isolation pilot project roads		16,400,000	+16,400,000
Total, Federal Highway Administration	40,391,000	[6] 77,466,000	+37,075,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Operations and research	[7] 90,157,000	[8] 82,350,000	−7,807,000
Highway traffic safety grants:			
(Liquidation of contract authorization) (trust fund)	*(132,000,000)*	*(125,000,000)*	*(−7,000,000)*
Alcohol safety incentive grants *(limitation on obligations)*	*(43,975,000)*	*(50,000,000)*	*(+6,025,000)*
(Cumulative limitation on obligations for fiscal years 1983, 1984, and 1985)	*(6,000,000)*	*(5,000,000)*	*(−1,000,000)*
Total, National Highway Traffic Safety Administration	90,157,000	82,350,000	−7,807,000
FEDERAL RAILROAD ADMINISTRATION			
Office of the Administrator	11,051,000	10,700,000	−351,000
Railroad safety	26,691,000	26,061,000	−630,000
Railroad research and development	15,653,000	15,525,000	−128,000
Rail service assistance	8,357,000	23,200,000	+14,843,000
Conrail labor protection	15,000,000	15,000,000	
Northeast corridor improvement program		27,800,000	+27,800,000
Grants to the National Railroad Passenger Corporation	680,000,000	684,000,000	+4,000,000
Railroad Rehabilitation and Improvement Financing Funds *(limitation on new loan guarantees)*		*(2,500,000)*	*(+2,500,000)*
Total, Federal Railroad Administration	756,752,000	802,286,000	+45,534,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Administrative expenses	31,487,000	31,000,000	−487,000
Research, training, and human resources	44,800,000	51,000,000	+6,200,000
Formula grants	2,389,500,000	2,449,500,000	+60,000,000
Discretionary grants:			
(Limitation on obligations)	*(1,100,000,000)*	*(1,120,000,000)*	*(+20,000,000)*
(Liquidation of contract authorization)	*(450,000,000)*	*(450,000,000)*	
Interstate transfer grants-transit	250,000,000	250,000,000	
Washington Metro	250,000,000	250,000,000	
Total, Urban Mass Transportation Administration	2,965,787,000	3,031,500,000	+65,713,000
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION			
(Limitation on administrative expenses)	*(1,822,000)*	*(1,822,000)*	

See footnotes at end of table, p. 1916.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5921)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(i) of Public Law 98-473 for those programs and activities normally included in H.R. 5921 (see pp. 383-400, this volume, for Sec. 101(i) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
Research and special programs	$18,623,000	$18,900,000	+$277,000
OFFICE OF THE INSPECTOR GENERAL			
Salaries and expenses	27,306,000	27,900,000	+594,000
Total, title I, Department of Transportation:			
New budget *(obligational)* authority	11,145,857,639	10,973,663,639	−172,194,000
Appropriations	(11,146,060,500)	(10,973,866,500)	(−172,194,000)
Appropriations for debt reduction	(−202,861)	(−202,861)	
(Limitations on expenses)	*(219,314,000)*	*(206,713,000)*	*(−12,601,000)*
(Limitations on borrowing authority)	*(250,000,000)*	*(125,000,000)*	*(−125,000,000)*
(Limitations on obligations)	*(16,146,975,000)*	*(15,483,750,000)*	*(−663,225,000)*
(Limitations on direct loans)	*(50,000,000)*	*(50,000,000)*	
(Limitations on new loan guarantees)		*(2,500,000)*	*(+2,500,000)*
(Limitation on working capital fund)	*(66,001,000)*	*(65,500,000)*	*(−501,000)*
(Liquidation of contract authorization)	*(14,211,750,000)*	*(14,203,625,000)*	*(−8,125,000)*
TITLE II—RELATED AGENCIES			
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD			
Salaries and expenses	2,000,000	2,000,000	
NATIONAL TRANSPORTATION SAFETY BOARD			
Salaries and expenses	20,845,000	21,700,000	+855,000
CIVIL AERONAUTICS BOARD			
Salaries and expenses	19,046,000	5,600,000	−13,446,000
Payments to air carriers	52,000,000	52,000,000	
Total, Civil Aeronautics Board	71,046,000	57,600,000	−13,446,000
INTERSTATE COMMERCE COMMISSION			
Salaries and expenses	53,966,000	48,000,000	−5,966,000
Payments for directed rail service *(limitation on obligations)*	*(10,000,000)*	*(1,000,000)*	*(−9,000,000)*
PANAMA CANAL COMMISSION			
Operating expenses	416,046,000	406,346,000	−9,700,000
Capital outlay	27,900,000	23,500,000	−4,400,000
Total, Panama Canal Commission	443,946,000	429,846,000	−14,100,000
UNITED STATES RAILWAY ASSOCIATION			
Administrative expenses		2,100,000	+2,100,000
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY			
Interest payments	46,175,945	46,175,945	
Total, title II, related agencies:			
New budget *(obligational)* authority	637,978,945	607,421,945	−30,557,000
(Limitation on obligations)	*(10,000,000)*	*(1,000,000)*	*(−9,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1985 (H.R. 5921)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(i) of Public Law 98-473 for those programs and activities normally included in H.R. 5921 (see pp. 383-400, this volume, for Sec. 101(i) of Public Law 98-473).]

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Grand total:			
New budget *(obligational)* authority	$11,783,836,584	$11,581,085,584	−$202,751,000
Appropriations	(11,784,039,445)	(11,581,288,445)	(−202,751,000)
Appropriations for debt reduction	(−202,861)	(−202,861)	
(Limitations on expenses)	*(219,314,000)*	*(206,713,000)*	*(−12,601,000)*
(Limitations on borrowing authority)	*(250,000,000)*	*(125,000,000)*	*(−125,000,000)*
(Limitations on obligations)	*(16,156,975,000)*	*(15,484,750,000)*	*(−672,225,000)*
(Limitations on direct loans)	*(50,000,000)*	*(50,000,000)*	
(Limitations on new loan guarantees)		*(2,500,000)*	*(+2,500,000)*
(Limitation on working capital fund)	*(66,001,000)*	*(65,500,000)*	*(−501,000)*
(Appropriations to liquidate contract authorizations)	*(14,211,750,000)*	*(14,203,625,000)*	*(−8,125,000)*

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[1] In addition, $10,500,000 is available by transfer from "Operation and Maintenance, Navy", Department of Defense, for fixed costs associated with the operation of the polar icebreaker program (see p. 348, this volume).

[2] Excludes budget amendment of $8,400,000 in H. Doc. 98-259 submitted too late for consideration in this appropriations bill.

[3] Excludes $2,000,000 appropriated under Sec. 125G of Public Law 98-473, Making Further Continuing Appropriations, 1985 (see p. 408, this volume).

[4] Includes $1,763,360,000 current trust funds.

[5] Includes $1,110,000,000 current trust funds.

[6] Excludes $12,000,000 appropriated under Sec. 125D of Public Law 98-473, Making Further Continuing Appropriations, 1985 (See p. 408, this volume).

[7] Includes $27,460,000 current trust funds.

[8] Includes $23,831,000 current trust funds.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1985 (H.R. 5798)

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) was not approved by the Congress. The conference report (House Report 98-993) was filed in the House of Representatives on September 6, 1984 (see "Note" on page 247, this volume). The conference report and amendments in disagreement were considered and acted upon by the House on September 12, 1984 but were not taken up by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(j) of Public Law 98-473, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(j) of Public Law 98-473 for those programs and activities normally included in H.R. 5798 (see p. 400, this volume, for Sec. 101(j) of Public Law 98-473 and pp. 247-271 for text of H.R. 5798).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE TREASURY			
Office of the Secretary	$84,242,000	$56,474,000	−$27,768,000
International affairs		22,768,000	+22,768,000
Federal Law Enforcement Training Center	16,964,000	18,314,000	+1,350,000
Bureau of Government Financial Operations, salaries and expenses	239,908,000	235,994,000	−3,914,000
Bureau of Alcohol, Tobacco, and Firearms	161,771,000	169,271,000	+7,500,000
United States Customs Service:			
Salaries and expenses	585,335,000	643,465,000	+58,130,000
Operations and maintenance, air interdiction program	32,070,000	44,425,000	+12,355,000
Bureau of the Mint, salaries and expenses	47,758,000	47,758,000	
Bureau of the Public Debt	197,955,000	197,955,000	
Internal Revenue Service:			
Salaries and expenses	104,687,000	104,687,000	
Processing tax returns	992,457,000	982,457,000	−10,000,000
Examinations and appeals	1,357,073,000	1,353,535,000	−3,538,000
Investigations, collections and taxpayer service	1,062,642,000	1,070,521,000	+7,879,000
Total, Internal Revenue Service	3,516,859,000	3,511,200,000	−5,659,000
Payment where energy credit exceeds liability for tax	100,000	100,000	
United States Secret Service	275,731,000	286,500,000	+10,769,000
Total, title I, new budget *(obligational)* authority, Department of the Treasury	5,158,693,000	5,234,224,000	+75,531,000
TITLE II—UNITED STATES POSTAL SERVICE			
Payment to the Postal Service Fund	691,556,000	1,040,509,000	+348,953,000
Total, title II, new budget *(obligational)* authority, Postal Service	691,556,000	1,040,509,000	+348,953,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT			
Compensation of the President	250,000	250,000	
Office of Administration	16,172,000	16,172,000	
The White House Office	24,985,000	24,985,000	
Executive Residence at the White House	4,601,000	4,601,000	
Official Residence of the Vice President	219,000	219,000	
Special Assistance to the President	1,663,000	1,663,000	
Council of Economic Advisers	2,560,000	2,560,000	
Office of Policy Development	3,020,000	3,020,000	
National Security Council	4,605,000	4,605,000	
Office of Management and Budget, salaries and expenses	40,005,000	38,500,000	−1,505,000
Office of Federal Procurement Policy	1,615,000	1,615,000	
Unanticipated Needs	1,000,000	1,000,000	
Total, title III, new budget *(obligational)* authority, Executive Office of the President	100,695,000	99,190,000	−1,505,000
TITLE IV—INDEPENDENT AGENCIES			
Administrative Conference of the United States	1,468,000	1,468,000	
Advisory Commission on Intergovernmental Relations	2,131,000	2,131,000	

See footnotes at end of table, p. 1919.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1985 (H.R. 5798)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) was not approved by the Congress. The conference report (House Report 98-993) was filed in the House of Representatives on September 6, 1984 (see "Note" on page 247, this volume). The conference report and amendments in disagreement were considered and acted upon by the House on September 12, 1984 but were not taken up by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(j) of Public Law 98-473, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(j) of Public Law 98-473 for those programs and activities normally included in H.R. 5798 (see p. 400, this volume, for Sec. 101(j) of Public Law 98-473 and pp. 247-271 for text of H.R. 5798).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (-), appropriations compared with estimates
Advisory Committee on Federal Pay	$220,000	$220,000	
Commission on Executive, Legislative and Judical salaries	160,000	160,000	
Committee for Purchase from the Blind-and Other Severely Handicapped	710,000	710,000	
Federal Election Commission	10,230,000	12,900,000	+$2,670,000
General Services Administration:			
Federal Buildings Fund:			
Limitation on availability of revenue:			
1. Construction & acquisition of facilities	*(89,877,000)*	*(120,299,000)*	*(+30,422,000)*
2. Repairs and alterations	*(223,749,000)*	*(217,090,000)*	*(-6,659,000)*
3. Purchase contract payments	*(178,911,000)*	*(178,911,000)*	
4. Rental of space	*(865,000,000)*	*(865,000,000)*	
5. Real property operations	*(694,998,000)*	*(694,998,000)*	
6. Program direction	*(117,040,000)*	*(117,040,000)*	
7. Design and construction services	*(58,227,000)*	*(58,883,000)*	*(+656,000)*
Total, Federal Buildings Fund *(limitations)*	*(2,227,802,000)*	[2] *(2,252,221,000)*	*(+24,419,000)*
Personal Property, operating expenses	167,244,000	161,000,000	-6,244,000
National Archives and Records Service, operating expenses	92,325,000	98,925,000	+6,600,000
Federal Property Resources Activities, operating expenses	40,257,000	39,128,000	-1,129,000
National Defense Stockpile Transaction Fund *(limitation on availability of revenue)*	*(120,000,000)*	*(185,000,000)*	*(+65,000,000)*
General Activities:			
General Management and Administration, salaries and expenses	140,987,000	137,000,000	-3,987,000
Office of Information Resources Management, operating expenses	33,393,000	33,393,000	
Office of the Inspector General	21,473,000	21,473,000	
Allowances and Office Staff for Former Presidents	1,170,000	1,170,000	
Expenses, presidential transition	3,000,000	3,000,000	
Total, General Activities	200,023,000	196,036,000	-3,987,000
Total, General Services Administration	499,849,000	495,089,000	-4,760,000
FEDERAL PERSONNEL ACTIVITIES			
Office of Personnel Management:			
Salaries and expenses:			
Appropriation	110,953,000	106,653,000	-4,300,000
Limitation	*(50,687,000)*	*(50,687,000)*	
Government payment for annuitants, employees health benefits	1,341,553,000	1,341,553,000	
Payment to civil service retirement and disability fund	4,366,868,000	4,366,868,000	
Total, Office of Personnel Management	5,819,374,000	5,815,074,000	-4,300,000

See footnotes at end of table, p. 1919.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1985 (H.R. 5798)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1985 (H.R. 5798) was not approved by the Congress. The conference report (House Report 98-993) was filed in the House of Representatives on September 6, 1984 (see "Note" on page 247, this volume). The conference report and amendments in disagreement were considered and acted upon by the House on September 12, 1984 but were not taken up by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(j) of Public Law 98-473, Making Further Continuing Appropriations for fiscal year 1985. The following table reflects the budget requests and the funding levels as provided under section 101(j) of Public Law 98-473 for those programs and activities normally included in H.R. 5798 (see p. 400, this volume, for Sec. 101(j) of Public Law 98-473 and pp. 247-271 for text of H.R. 5798).]

Agency and item	Estimates of new budget (obligational) authority, 1985 [1]	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
Merit Systems Protection Board:			
Salaries and expenses	$20,477,000	$20,477,000	
Limitation	*(1,200,000)*	*(1,200,000)*	
Office of special counsel	4,583,000	4,583,000	
Total, Merit Systems Protection Board	25,060,000	25,060,000	
Federal Labor Relations Authority	17,197,000	17,197,000	
Total, federal personnel activities	5,861,631,000	5,857,331,000	−$4,300,000
United States Tax Court: Salaries and Expenses	22,344,000	22,344,000	
Total, title IV, new budget *(obligational)* authority, independent agencies	6,398,743,000	6,392,353,000	−6,390,000
Grand total, titles I, II, III, and IV:			
New budget *(obligational)* authority	12,349,687,000	12,766,276,000	+416,589,000
(Limitations)	*(2,399,689,000)*	*(2,489,108,000)*	*(+89,419,000)*

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[1] Includes the following budget amendments:

H. Doc. 98-193:	
Other Independent Agencies:	
Temporary Study Commission:	
Commission on Executive, Legislative and Judicial Salaries: Salaries and Expenses	$160,000
H. Doc. 98-218:	
Department of the Treasury:	
United States Customs Service:	
Operation and maintenance, air interdiction program	15,000,000
Internal Revenue Service:	
Taxpayer service and returns processing	$10,000,000
Investigations and collections	−5,000,000
Total, H. Doc. 98-218 (net)	0
Total, budget amendments (net)	160,000

[2] In addition, limitation increased $3,611,000 in section 117 of P.L. 98-473, Making Further Continuing Appropriations, 1985 (see p. 404, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1985, PUBLIC LAW 98-473, APPROVED OCTOBER 12, 1984

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATION ACT, 1985 (H.R. 5743)			
Fiscal year 1985 appropriations (p. 283)	[1] *($33,166,723,000)*	[1] *($33,126,319,000)*	*(−$40,404,000)*
DISTRICT OF COLUMBIA APPROPRIATION ACT, 1985 (H.R. 5899)			
Fiscal year 1985 appropriations (p. 283):			
Federal funds to the District of Columbia	[1] *(503,470,000)*	[1] *(533,343,000)*	*(+29,873,000)*
District of Columbia funds	[1] *(2,341,962,000)*	[1] *(2,363,128,000)*	*(+21,166,000)*
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1985 (H.R. 5973)			
Fiscal year 1985 appropriations *(net)* (pp. 283-319)	[1] *(7,622,076,000)*	[1,2] *(2,748,333,000)*	*(−4,873,743,000)*
INDEPENDENT AGENCY			
United States Institute of Peace		4,000,000	+4,000,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
NATIONAL INSTITUTES OF HEALTH			
National Library of Medicine		3,500,000	+3,500,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health		2,500,000	+2,500,000
Subtotal, Department of Health and Human Services		6,000,000	+6,000,000
MILITARY CONSTRUCTION APPROPRIATION ACT, 1985 (H.R. 5898)			
Fiscal year 1985 appropriations (pp. 321-327)	[1] *(10,318,200,000)*	[1] *(8,405,206,000)*	*(−1,912,994,000)*
FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1985 (H.R. 6237)			
Fiscal year 1985 appropriations (pp. 327-346)	[1] *(18,271,016,226)*	[1] *(18,190,366,636)*	*(−80,649,590)*
DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1985 (H.R. 6329)			
Fiscal year 1985 appropriations (pp. 346-383)	[1] *(292,221,823,000)*	[1] *(274,398,173,000)*	*(−17,823,650,000)*
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1985 (H.R. 5921)			
Fiscal year 1985 appropriations (pp. 383-400)	[1] *(11,783,836,584)*	[1] *(11,581,085,584)*	*(−202,751,000)*
TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1985 (H.R. 5798)			
Fiscal year 1985 appropriations (p. 400)	[1] *(12,349,687,000)*	[1] *(12,766,276,000)*	*(+416,589,000)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Health resources and services *(indefinite)*	[3] 13,535,000	[4] 79,269,000	+65,734,000

See footnotes at end of table, p. 1922

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1985, PUBLIC LAW 98-473, APPROVED OCTOBER 12, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
SOCIAL SECURITY ADMINISTRATION			
Refugee and entrant assistance *(indefinite)*	[3] $359,512,000	[4] $444,262,000	+$84,750,000
Subtotal, Department of Health and Human Services	373,047,000	523,531,000	+150,484,000
DEPARTMENT OF EDUCATION			
OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS			
Emergency immigrant education *(indefinite)*		[4] 30,000,000	+30,000,000
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Special elementary and secondary education programs		10,000,000	+10,000,000
Total, Department of Education		40,000,000	+40,000,000
ENVIRONMENTAL PROTECTION AGENCY			
Abatement, control and compliance		13,000,000	+13,000,000
VETERANS ADMINISTRATION			
Loan guaranty revolving fund	[5] 306,600,000	306,600,000	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Rental housing assistance:			
(Limitation on annual contract authority, indefinite)		*(3,300,000)*	*(+3,300,000)*
Contract authority, indefinite		95,700,000	+95,700,000
Appropriation to Treasury for financing public housing		300,000,000	+300,000,000
Total, Department of Housing and Urban Development		395,700,000	+395,700,000
DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses *(reappropriation)*		3,500,000	+3,500,000
Acquisition, operation, and maintenance of buildings abroad *(reappropriation)*		3,000,000	+3,000,000
Subtotal, Department of State		6,500,000	+6,500,000
GENERAL SERVICES ADMINISTRATION			
Federal building fund *(limitation)*	(6)	*(3,611,000)*	*(+3,611,000)*
DEPARTMENT OF THE TREASURY			
UNITED STATES CUSTOMS SERVICE			
San Luis, Arizona Border Station		348,000	+348,000
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS			
Claims and judgements, G. E. Amick, et al		100,753	+100,753
Total, Department of the Treasury		448,753	+448,753
DEPARTMENT OF TRANSPORTATION			
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
State and community highway safety *(limitation on obligations)*	[7] *(98,100,000)*	*(126,500,000)*	*(+28,400,000)*
Operations and research *(by transfer)*		*(7,500,000)*	*(+7,500,000)*

See footnotes at end of table, p. 1922.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 98TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1985, PUBLIC LAW 98-473, APPROVED OCTOBER 12, 1984—Continued

Agency and item	Estimates of new budget (obligational) authority, 1985	New budget (obligational) authority appropriated, 1985	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL HIGHWAY ADMINISTRATION			
Highway safety separations demonstration project		$12,000,000	+$12,000,000
COAST GUARD			
Acquisition, construction and improvements		2,000,000	+2,000,000
Total, Department of Transportation		14,000,000	+14,000,000
DEPARTMENT OF AGRICULTURE			
Agricultural Research Service		1,000,000	+1,000,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses		3,200,000	+3,200,000
Acquired Immune Deficiency Syndrome Program	[8] $8,350,000	8,350,000	
Subtotal, Department of Health and Human Services	8,350,000	11,550,000	+3,200,000
INDEPENDENT AGENCY			
Commission on the Ukraine Famine		400,000	+400,000
DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	[9] 81,200,000	81,200,000	
Acquisition, operation, and maintenance of buildings abroad	[9] 28,000,000	28,000,000	
Emergencies in the diplomatic and consular service	[9] 1,000,000	1,000,000	
Subtotal, Department of State	110,200,000	110,200,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES			
Social Services Block Grant (Title XX)		25,000,000	+25,000,000
Total, new budget *(obligational)* authority *(net)*, Fourth Further Continuing Appropriations, 1985 (P.L. 98-473)	798,197,000	1,457,929,753	+659,732,753

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[1] For informational purposes only. Even though funding authority for programs and activities normally included in these eight annual appropriation bills (H.R. 5743, H.R. 5899, H.R. 5973, H.R. 5898, H.R. 6237, H.R. 6329, H.R. 5921, and H.R. 5798) is provided in this continuing resolution (Public Law 98-473), a separate table VIII for each bill is included elsewhere in this volume.

[2] Includes $79,253,000 in "indefinite" appropriations and $4,900,000 for fiscal year 1986 appropriations.

[3] Submitted in the President's fiscal year 1985 budget (H. Doc. 98-138).

[4] Estimate.

[5] Submitted in H. Doc. 98-269.

[6] Total budget estimate limitation $2,227,802,000 considered in connection with the Treasury-Postal Appropriation Bill, 1985 (see p. 1918, this volume). The total estimate included a request of $6,611,000 for repair of the Blair House. $3,000,000 of this amount was included in H.R. 5798 (Sec. 101(j) of P.L. 98-473) and $3,611,000 was included in Sec. 117 of P.L. 98-473 (see p. 404, this volume).

[7] Submitted in the President's fiscal year 1985 budget appendix (H. Doc. 98-139).

[8] Submitted in the President's fiscal year 1986 budget (H. Doc. 99-18, p. I-K1).

[9] Submitted in H. Doc. 98-270.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 98TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 98th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS						
Agriculture, rural development, and related agencies [1]	$32,183,884,000	$982,839,000		$33,166,723,000	[1] $33,126,319,000	−$40,404,000
Agricultural programs	11,076,066,000			11,076,066,000	10,811,004,000	−265,062,000
Rural development programs	4,628,316,000			4,628,316,000	4,872,335,000	+244,019,000
Domestic food programs	14,651,841,000	946,839,000		15,598,680,000	15,572,608,000	−26,072,000
International programs	1,406,365,000	36,000,000		1,442,365,000	1,443,486,000	+1,121,000
Related agencies	421,296,000			421,296,000	426,886,000	+5,590,000
Departments of Commerce, Justice, State, the Judiciary, and related agencies	11,093,285,000	52,633,000		11,145,918,000	11,549,476,200	+403,558,200
Department of Commerce and related agencies	2,587,666,000	258,000		2,587,924,000	3,253,313,000	+665,389,000
Department of Justice and related agencies	4,173,007,000	14,975,000		4,187,982,000	4,171,215,000	−16,767,000
Department of State and related agencies	3,309,091,000	37,400,000		3,346,491,000	3,147,045,200	−199,445,800
The Judiciary	1,023,521,000			1,023,521,000	977,903,000	−45,618,000
Department of Defense [2]	292,221,823,000			292,221,823,000	[2] 274,398,173,000	−17,823,650,000
Military personnel	67,831,600,000			67,831,600,000	66,895,639,000	−935,961,000
Operation and maintenance	80,927,042,000			80,927,042,000	77,521,356,000	−3,405,686,000
Procurement	107,586,341,000			107,586,341,000	97,111,404,000	−10,474,937,000
Research, development, test, and evaluation	33,985,037,000			33,985,037,000	31,187,071,000	−2,797,966,000
Special foreign currency program	8,650,000			8,650,000	8,650,000	
Revolving and management funds	1,762,056,000			1,762,056,000	1,553,956,000	−208,100,000
Related agencies	121,097,000			121,097,000	120,097,000	−1,000,000

See footnotes at end of table, p. 1929.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 98th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS—Con.						
District of Columbia [3]	$503,470,000			$503,470,000	[3] $533,343,000	+$29,873,000
Federal funds to the District of Columbia	503,470,000			503,470,000	533,343,000	+29,873,000
(Out of District revenues)	*(2,300,662,000)*	*($41,300,000)*		*(2,341,962,000)*	*(2,363,128,000)*	*(+21,166,000)*
Energy and water development	15,874,791,000			15,874,791,000	15,371,359,000	−503,432,000
Department of Defense—Civil	2,716,000,000			2,716,000,000	2,791,000,000	+75,000,000
Department of the Interior	1,076,931,000			1,076,931,000	1,052,709,000	−24,222,000
Department of Energy	11,417,500,000			11,417,500,000	10,807,228,000	−610,272,000
Independent agencies	664,360,000			664,360,000	720,422,000	+56,062,000
Foreign assistance and related programs [4]	17,296,484,056	996,532,170	$22,000,000	18,271,016,226	[4] 18,190,366,636	−80,649,590
Multilateral Economic Assistance	1,477,357,056	319,616,170	7,000,000	1,789,973,226	1,670,119,386	−119,853,840
Bilateral Economic Assistance	5,739,217,000	552,416,000		6,291,633,000	6,745,426,250	+453,793,250
Military Assistance	6,249,910,000	124,500,000	15,000,000	6,359,410,000	5,909,821,000	−449,589,000
Export-Import Bank of the United States	3,830,000,000			3,830,000,000	3,865,000,000	+35,000,000
Department of Housing and Urban Development—Independent agencies *(net)*	56,667,332,000			56,667,332,000	56,543,299,775	−124,032,225
Department of Housing and Urban Development	12,281,518,000			12,281,518,000	16,935,207,775	+4,653,689,775
Rescission of contract authority	*(−1,998,834,000)*			*(−1,998,834,000)*	−4,753,547,000	[5] −4,753,547,000
Independent agencies	44,385,814,000			44,385,814,000	44,361,639,000	−24,175,000
Corporations	*(67,428,000)*	*(1,480,000)*		*(68,908,000)*	*(68,908,000)*	
Department of the Interior and related agencies *(net)* [6]	7,679,336,000		57,260,000	7,622,076,000	[6] 2,748,333,000	−4,873,743,000
Department of the Interior	3,982,588,000			3,982,588,000	4,320,814,000	+338,226,000
Related agencies	3,696,748,000		57,260,000	3,639,488,000	3,802,519,000	+163,031,000
Rescission					−5,375,000,000	−5,375,000,000
Departments of Labor, Health and Human Services, Education, and related agencies	96,392,189,000	[7] 2,929,975,000	[7] 9,865,000	[8] 99,312,299,000	[9] 104,814,893,000	+5,502,594,000
Department of Labor	6,142,471,000			6,142,471,000	6,340,645,000	+198,174,000

Department of Health and Human Services	75,030,808,000	1,875,000,000		[8] 76,905,808,000	[9] 79,630,793,000	+2,724,985,000
Department of Education and Special Institutions	14,363,398,000	1,054,975,000	9,865,000	15,408,508,000	17,851,556,000	+2,443,048,000
Related agencies	855,512,000			855,512,000	991,899,000	+136,387,000
Legislative branch *(net)*	1,583,222,000	14,223,000	19,000	1,597,426,000	1,551,015,038	−46,410,962
Congressional Operations	1,015,230,000	14,223,000	19,000	1,029,434,000	1,020,310,038	−9,123,962
Rescission					−914,000	−914,000
Other Agencies	567,992,000			567,992,000	531,619,000	−36,373,000
Military construction [10]	10,318,200,000			10,318,200,000	[10] 8,405,206,000	−1,912,994,000
Department of Transportation and related agencies [11]	11,783,836,584			11,783,836,584	[11] 11,581,085,584	−202,751,000
Department of Transportation	11,145,857,639			11,145,857,639	10,973,663,639	−172,194,000
Related agencies	637,978,945			637,978,945	607,421,945	−30,557,000
Treasury, Postal Service, and general government [12]	12,349,527,000	15,160,000	15,000,000	12,349,687,000	[12] 12,766,276,000	+416,589,000
Department of the Treasury	5,158,693,000	15,000,000	15,000,000	5,158,693,000	5,234,224,000	+75,531,000
United States Postal Service	691,556,000			691,556,000	1,040,509,000	+348,953,000
Executive Office of the President	100,695,000			100,695,000	99,190,000	−1,505,000
Independent agencies	6,398,583,000	160,000		6,398,743,000	6,392,353,000	−6,390,000
Net total, regular annual appropriation acts [13]	565,947,379,640	4,991,362,170	104,144,000	570,834,597,810	[13] 551,579,145,233	−19,255,452,577
SUPPLEMENTAL APPROPRIATION ACTS						
Urgent Supplemental, Department of Health and Human Services, 1984 (P.L. 98-248)		290,000,000		290,000,000	290,000,000	
Urgent Supplemental, Department of Agriculture, 1984 (P.L. 98-332)		864,831,000		864,831,000	1,123,705,000	+258,874,000
Second Supplemental Appropriations Act, 1984 (P.L. 98-396)		8,487,927,170	1,789,877,000	6,698,050,170	6,586,462,000	−111,588,170
Rescissions			*(379,645,000)*	*(−379,645,000)*	−409,717,000	[5] −409,717,000
Net total, supplemental appropriation acts		9,642,758,170	1,789,877,000	7,852,881,170	7,590,450,000	−262,431,170
CONTINUING APPROPRIATIONS						
Fourth Further Continuing Appropriations, 1985 (P.L. 473)	373,047,000	425,150,000		798,197,000	1,457,929,753	+659,732,753
Agriculture, rural development, and related agencies [14]	*(32,183,884,000)*	*(982,839,000)*		*(33,166,723,000)*	[14] *(33,126,319,000)*	*(−40,404,000)*
District of Columbia [14]	*(503,470,000)*			*(503,470,000)*	[14] *(533,343,000)*	*(+29,873,000)*
Department of the Interior and related agencies *(net)* [14]	*(7,679,336,000)*		*(57,260,000)*	*(7,622,076,000)*	[14] *(2,748,333,000)*	*(−4,873,743,000)*
United States Institute of Peace					4,000,000	+4,000,000
Department of Health and Human Services					6,000,000	+6,000,000
Military Construction [14]	*(10,318,200,000)*			*(10,318,200,000)*	[14] *(8,405,206,000)*	*(−1,912,994,000)*
Foreign assistance and related programs [14]	*(18,271,016,226)*			*(18,271,016,226)*	[14] *(18,190,366,636)*	*(−80,649,590)*
Department of Defense [14]	*(292,221,823,000)*			*(292,221,823,000)*	[14] *(274,398,173,000)*	*(−17,823,650,000)*
Department of Transportation and related agencies [14]	*(11,783,836,584)*			*(11,783,836,584)*	[14] *(11,581,085,584)*	*(−202,751,000)*
Treasury, Postal Service, and general government [14]	*(12,349,527,000)*	*(15,160,000)*	*(15,000,000)*	*(12,349,687,000)*	[14] *(12,766,276,000)*	*(+416,589,000)*
Department of Health and Human Services	373,047,000			373,047,000	523,531,000	+150,484,000

See footnotes at end of table, p. 1929.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 98th Cong. 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
CONTINUING APPROPRIATIONS—Continued						
Fourth Further Continuing Appropriations, 1985 (P.L. 473)—Continued						
Department of Education					$40,000,000	+$40,000,000
Environmental Protection Agency					13,000,000	+13,000,000
Veterans Administration		$306,600,000		$306,600,000	306,600,000	
Department of Housing and Urban Development					395,700,000	+395,700,000
Department of State					6,500,000	+6,500,000
General Services Administration					*(3,611,000)*	*(+3,611,000)*
Department of the Treasury					448,753	+448,753
Department of Transportation					14,000,000	+14,000,000
Department of Agriculture					1,000,000	+1,000,000
Department of Health and Human Services		8,350,000		8,350,000	11,550,000	+3,200,000
Commission on the Ukraine Famine					400,000	+400,000
Department of State		110,200,000		110,200,000	110,200,000	
Department of Health and Human Services					25,000,000	+25,000,000
Total, continuing appropriations	$373,047,000	425,150,000		798,197,000	1,457,929,753	+659,732,753
Estimates not considered (see Table VIIIh)		8,640,000	$119,260,000	−110,620,000		+110,620,000
Net total, new budget *(obligational)* authority, regular annual, supplemental and continuing appropriation acts	566,320,426,640	15,067,910,340	2,013,281,000	579,375,055,980	560,627,524,986	−18,747,530,994
APPROPRIATIONS IN OTHER ACTS						
Legislative acts:[15]						
Federal funds—Permanent appropriations:						
Deficit Reduction Act of 1984 (P.L. 98-369):						
Payment where credit exceeds liability for tax					9,000,000	+9,000,000
Shoalwater Bay Indian Tribe Settlement Act (P.L. 98-432)					1,000,000	+1,000,000
Comprehensive Crime Control Act of 1984 (P.L. 98-473, title II; 98 Stat. 1976):						
Crime Victims Assistance Fund					50,000,000	+50,000,000

Wetlands Loan Act Extension (P.L. 98-548):						
Migratory bird conservation account					15,000,000	+15,000,000
Total, Federal funds					75,000,000	+75,000,000
Trust funds:						
Permanent appropriations:						
Deficit Reduction Act of 1984 (P.L. 98-369):						
Federal Hospital Insurance trust Fund					16,000,000	+16,000,000
Civil Service Retirement and Disability Fund					30,000,000	+30,000,000
Social Security Disability Benefits Reform Act of 1984 (P.L. 98-460):						
Federal Supplementary Medical Insurance Trust Fund					30,000,000	+30,000,000
Group Hospitalization and Medical Services, Incorporation (P.L. 98-493):						
Unemployment Trust Fund					1,000,000	+1,000,000
Defense Authorization Act, 1985 (P.L. 98-525):						
Education Benefits Fund					30,000,000	+30,000,000
Civil Service Retirement Spouse Equity Act of 1984 (P.L. 98-615):						
Civil Service Retirement and Disability Fund					1,000,000	+1,000,000
Subtotal, trust funds: Permanent Appropriations					108,000,000	+108,000,000
Contract authority:						
Surface Transportation Assistance Act Amendments of 1984 (P.L. 98-363):						
Highway traffic safety grants					27,000,000	+27,000,000
Total, trust funds					135,000,000	+135,000,000
Total, Appropriations in Legislative Acts[15]					[15] 210,000,000	+210,000,000
Private appropriations acts (see p. 1767)					169,080	+169,080
Total, appropriations in other acts					210,169,080	+210,169,080
Net total, regular annual, supplemental, continuing and other acts	566,320,426,640	15,067,910,340	2,013,281,000	579,375,055,980	560,837,694,066	−18,537,361,914
New budget (*obligational*) authority	*(566,320,426,640)*	*(15,067,910,340)*	*(2,013,281,000)*	*(579,375,055,980)*	*(571,376,872,066)*	*(−7,998,183,914)*
Rescissions of unobligated balances	*(−1,998,834,000)*		*(379,645,000)*	*(−2,378,479,000)*	(−10,539,178,000)	[5] (−10,539,178,000)
PERMANENT APPROPRIATIONS[16]						
Federal funds:						
Department of Agriculture:						
Food and Nutrition Service	2,301,833,000			2,301,833,000	2,301,833,000	

See footnotes at end of table, p. 1929.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 98th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
PERMANENT APPROPRIATIONS[16]—Continued						
Federal funds—Continued						
Department of Defense—Civil:						
Military Retirement	$8,900,000,000			$8,900,000,000	$8,900,000,000	
Department of Health and Human Services:						
Social Security Administration	3,198,450,000			3,198,450,000	3,198,450,000	
Department of the Treasury:						
Interest on the public debt	165,031,108,000			165,031,108,000	165,031,108,000	
Internal Revenue Service	2,923,000,000			2,923,000,000	2,923,000,000	
Independent Agencies:						
Office of Personnel Management	11,986,683,000			11,986,683,000	11,986,683,000	
Railroad Retirement Board	2,875,700,000			2,875,700,000	2,875,700,000	
All other	4,951,592,000			4,951,592,000	4,951,592,000	
Total, Federal funds	202,168,366,000			202,168,366,000	202,168,366,000	
Trust funds:						
Funds Appropriated to the President:						
Foreign assistance	13,015,510,000			13,015,510,000	13,015,510,000	
Department of Defense—Civil:						
Military Retirement	27,275,771,000			27,275,771,000	27,275,771,000	
Department of Health and Human Services:						
Health Care Financing Administration	76,832,000,000			76,832,000,000	76,832,000,000	
Social Security Administration	200,103,428,000			200,103,428,000	200,103,428,000	
Department of Labor:						
Employment and Training Administration	27,700,010,000			27,700,010,000	27,700,010,000	
Department of Transportation:						
Federal Highway Administration	14,663,443,000			14,663,443,000	14,663,443,000	
Urban Mass Transportation Administration	1,100,000,000			1,100,000,000	1,100,000,000	
Department of the Treasury:						
Office of Revenue Sharing	4,566,700,000			4,566,700,000	4,566,700,000	
Veterans Administration	1,525,600,000			1,525,600,000	1,525,600,000	

Independent agencies:						
Office of Personnel Management	38,473,478,000			38,473,478,000	38,473,478,000	
Railroad Retirement Board	9,192,000,000			9,192,000,000	9,192,000,000	
All other	2,738,085,000			2,738,085,000	2,738,085,000	
Total, trust funds	417,186,025,000			417,186,025,000	417,186,025,000	
Total, permanent appropriations, Federal and trust funds[16]	[16]619,354,391,000			[16]619,354,391,000	[16]619,354,391,000	
Net total, regular annual, supplemental, continuing and other acts and permanent appropriations	1,185,674,817,640	$15,067,910,340	$2,013,281,000	[8]1,198,729,446,980	[9]1,180,192,085,066	−$18,537,361,914
Adjustments for interfund and intragovernmental transactions (see par. 4, "Compilers' Notes", p. IV)	−183,164,276,000			−183,164,276,000	−183,164,276,000	
Net total for session	1,002,510,541,640	15,067,910,340	2,013,281,000	1,015,565,170,980	997,027,809,066	−18,537,361,914

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[1] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[2] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1935.

[3] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[4] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[5] Reflects actual rescission rather than comparison with request.

[6] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[7] Proposed for later transmittal in the President's fiscal year 1985 budget.

[8] Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for the Supplemental Security Program in the Department of Health and Human Services (see footnote 5 on p. 1905, this volume).

[9] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905 this volume, for accounts involved).

[10] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[11] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[12] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 98-473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985.

[13] Includes amounts provided through further continuing appropriations for eight regular annual appropriations bills. These bills are: (1) Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1985, H.R. 5743 ($33,126,319,000); (2) Department of Defense Appropriation Bill, 1985, H.R. 6329 ($274,398,173,000); (3) District of Columbia Appropriation Bill, 1985, H.R. 5899 ($533,343,000); (4) Foreign Assistance and Related Programs Appropriations Bill, 1985, H.R. 6237 ($18,190,366,636); (5) Department of the Interior and Related Agencies Appropriations Bill, 1985, H.R. 5973 ($2,748,333,000); (6) Military Construction Appropriation Bill, 1985, H.R. 5898 ($8,405,206,000); (7) Department of Transportation and Related Agencies Appropriation Bill, 1985, H.R. 5921 ($11,581,085,584); and (8) Treasury, Postal Service, and General Government Appropriations Bill, 1985, H.R. 5798 ($12,766,276,000).

[14] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[15] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which fails within those exceptions.

[16] Basically, amounts shown are taken from the February 1984 budget document (H. Doc. 98-138) and are subject to change as better data becomes available.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1985, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985		Total budget estimates, fiscal year 1985	New budget (obligational) authority appropriated, 98th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Agriculture:						
Regular annual appropriation acts	[1] $33,196,212,000	$982,839,000		[1] $34,179,051,000	$34,009,506,000	−$169,545,000
Continuing appropriations					1,000,000	+1,000,000
Permanent appropriations:						
Federal funds	[2] 3,343,919,000			[2] 3,343,919,000	[2] 3,343,919,000	
(Authority to borrow)	[3] *(1,101,000)*			[3] *(1,101,000)*	[3] *(1,101,000)*	
Trust funds	282,372,000			282,372,000	282,372,000	
Total, Department of Agriculture	36,822,503,000	982,839,000		37,805,342,000	37,636,797,000	−168,545,000
Department of Commerce:						
Regular annual appropriation act	1,624,040,000			1,624,040,000	2,129,304,000	+505,264,000
Permanent appropriations:						
Federal funds	38,600,000			38,600,000	38,600,000	
Trust funds	31,200,000			31,200,000	31,200,000	
Total, Department of Commerce	1,693,840,000			1,693,840,000	2,199,104,000	+505,264,000
Department of Defense—Civil:						
Regular annual appropriation acts	2,761,111,000			2,761,111,000	2,841,111,000	+80,000,000
Permanent appropriations:						
Federal funds	8,909,679,000			8,909,679,000	8,909,679,000	
Trust funds	27,327,776,000			27,327,776,000	27,327,776,000	
Total, Department of Defense—Civil	38,998,566,000			38,998,566,000	39,078,566,000	+80,000,000

See footnotes at end of table, p. 1937.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1985, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 98th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 98th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985		Total budget estimates, fiscal year 1985	New budget (obligational) authority appropriated, 98th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Defense—Military:						
Regular annual appropriation acts	$302,418,926,000			$302,418,926,000	$282,683,282,000	−$19,735,644,000
Legislative acts: Trust funds [3]					[3] 30,000,000	+30,000,000
Permanent appropriations:						
Federal funds	600,000			600,000	600,000	
(Authority to borrow)	*(600,000)*			*(600,000)*	*(600,000)*	
Trust funds	24,600,000			24,600,000	24,600,000	
Total, Department of Defense—Military	302,444,126,000			302,444,126,000	282,738,482,000	−19,705,644,000
District of Columbia—Federal Funds:						
Regular annual appropriation act	503,470,000			503,470,000	533,343,000	+29,873,000
(District of Columbia—Payable from District revenue:)						
(Regular annual appropriation act) (net)	*(2,300,662,000)*	*($41,300,000)*		*(2,341,962,000)*	*(2,363,128,000)*	*(+21,166,000)*
Department of Education:						
Regular annual appropriation acts	14,432,178,000	1,054,975,000	$9,865,000	15,477,288,000	17,918,960,000	+2,441,672,000
Continuing appropriations					40,000,000	+40,000,000
Permanent appropriations:						
Federal funds	7,161,000			7,161,000	7,161,000	
Trust funds	10,000			10,000	10,000	
Total, Department of Education	14,439,349,000	1,054,975,000	9,865,000	15,484,459,000	17,966,131,000	+2,481,672,000
Department of Energy:						
Regular annual appropriation acts	12,316,282,000		57,260,000	12,259,022,000	11,788,921,000	−470,101,000
Permanent appropriations:						
Federal funds	314,300,000			314,300,000	314,300,000	
(Authority to borrow)	*(298,730,000)*			*(298,730,000)*	*(298,730,000)*	
Trust funds	18,460,000			18,460,000	18,460,000	
Total, Department of Energy	12,649,042,000		57,260,000	12,591,782,000	12,121,681,000	−470,101,000

Environmental Protection Agency:						
Regular annual appropriation act	4,293,254,000			4,293,254,000	4,372,775,000	+79,521,000
Continuing appropriations					13,000,000	+13,000,000
Total, Environmental Protection Agency	4,293,254,000			4,293,254,000	4,385,775,000	+92,521,000
Foreign Assistance:						
Regular annual appropriation act	16,850,817,056	996,532,170	22,000,000	17,825,349,226	17,765,649,636	−59,699,590
Permanent appropriations:						
Trust funds	13,015,510,000			13,015,510,000	13,015,510,000	
(Contract authority)	*(13,000,000,000)*			*(13,000,000,000)*	*(13,000,000,000)*	
Total, Foreign Assistance	29,866,327,056	996,532,170	22,000,000	30,840,859,226	30,781,159,636	−59,699,590
General Government:						
Regular annual and supplemental appropriation acts	7,484,969,945	36,818,000		7,521,787,945	7,608,673,945	+86,886,000
Continuing appropriations					4,400,000	+4,400,000
Appropriated during 97th Cong., 2nd sess. for fiscal year 1985	85,000,000			85,000,000	130,000,000	+45,000,000
Legislative Acts:[3]						
Federal funds					[3]1,000,000	+1,000,000
Trust funds					[3]31,000,000	+31,000,000
Permanent appropriations:						
Federal funds	3,329,811,000			3,329,811,000	3,329,811,000	
(Authority to borrow)	*(454,111,000)*			*(454,111,000)*	*(454,111,000)*	
Trust funds	9,204,743,000			9,204,743,000	9,204,743,000	
Total, General Government *(net)*	20,104,523,945	36,818,000		20,141,341,945	20,309,627,945	+168,286,000
General Services Administration:						
Regular annual appropriation acts	500,198,000			500,198,000	496,238,000	−3,960,000
Permanent appropriations:						
Federal funds	7,600,000			7,600,000	7,600,000	
Trust funds	184,000			184,000	184,000	
Total, General Services Administration	507,982,000			507,982,000	504,022,000	−3,960,000
Department of Health and Human Services:						
Regular annual appropriation acts	65,800,249,000	1,875,000,000		[4]67,475,249,000	[5]70,037,076,000	+2,561,827,000
Continuing appropriations	373,047,000	[6]8,350,000		381,397,000	566,081,000	+184,684,000
Appropriated during 98th Cong., 1st sess. for fiscal year 1985	7,422,204,000			7,422,204,000	7,772,000,000	+349,796,000
Legislative acts: Trust funds[3]					[3]46,000,000	+46,000,000
Permanent appropriations:						
Federal funds	3,653,450,000			3,653,450,000	3,653,450,000	
Trust funds	276,943,552,000			276,943,552,000	276,943,552,000	
Total, Department of Health and Human Services	353,992,502,000	1,883,350,000		355,875,852,000	359,018,159,000	+3,142,307,000

See footnotes at end of table, p. 1937.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1985, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985		Total budget estimates, fiscal year 1985	New budget (obligational) authority appropriated, 98th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Housing and Urban Development:						
Regular annual appropriation act	$12,281,518,000			$12,281,518,000	$16,935,207,775	+$4,653,689,775
Rescission of contract authority	*(−1,998,834,000)*			*(−1,998,834,000)*	−4,753,547,000	[7] −4,753,547,000
Continuing appropriations					395,700,000	+395,700,000
Permanent appropriations:						
Federal funds	253,447,000			253,447,000	253,447,000	
(Contract authority)	*(22,300,000)*			*(22,300,000)*	*(22,300,000)*	
(Authority to borrow)	*(223,395,000)*			*(223,895,000)*	*(223,895,000)*	
Total, Department of Housing and Urban Development *(net)*	12,534,965,000			12,534,965,000	12,830,807,775	+295,842,775
Department of the Interior:						
Regular annual appropriation acts	5,059,519,000			5,059,519,000	5,368,623,000	+309,104,000
Legislative Acts: Federal funds [3]					[3] 15,000,000	+15,000,000
Permanent appropriations:						
Federal funds	977,430,000			977,430,000	977,430,000	
(Contract authority)	*(30,000,000)*			*(30,000,000)*	*(30,000,000)*	
(Authority to borrow)	*(1,300,000)*			*(1,300,000)*	*(1,300,000)*	
Trust funds	483,687,000			483,687,000	483,687,000	
Total, Department of the Interior	6,520,636,000			6,520,636,000	6,844,740,000	+324,104,000
The Judiciary:						
Regular annual appropriation act	1,023,521,000			1,023,521,000	977,903,000	−45,618,000
Permanent appropriations: Trust funds	13,291,000			13,291,000	13,291,000	
Total, The Judiciary	1,036,812,000			1,036,812,000	991,194,000	−45,618,000
Department of Justice:						
Regular annual appropriation act	3,673,852,000	$14,975,000		3,688,827,000	3,692,713,000	+3,886,000
Legislative Acts: Federal funds [3]					[3] 50,000,000	+50,000,000
Total, Department of Justice	3,673,852,000	14,975,000		3,688,827,000	3,742,713,000	+53,886,000
Department of Labor:						
Regular annual appropriation act	6,142,471,000			6,142,471,000	6,340,645,000	+198,174,000

Legislative acts: Trust funds[3]					[3]1,000,000	+1,000,000
Permanent appropriations: Trust funds	27,762,010,000			27,762,010,000	27,762,010,000	
Total, Department of Labor	33,904,481,000			33,904,481,000	34,103,655,000	+199,174,000
Legislative Branch:						
Regular annual and supplemental appropriation acts	1,581,701,000	14,274,000	$19,000	1,595,956,000	1,550,459,038	-45,496,962
Rescission					-72,000	-72,000
Estimates not considered (see Table VIIIh)		80,000		80,000		-80,000
Permanent appropriations:						
Federal funds	98,586,000			98,586,000	98,586,000	
Trust funds	7,444,000			7,444,000	7,444,000	
Total, Legislative Branch *(net)*	1,687,731,000	14,354,000	19,000	1,702,066,000	1,656,417,038	-45,648,962
National Aeronautics and Space Administration:						
Regular annual appropriation act	7,491,400,000			7,491,400,000	7,491,400,000	
Office of Personnel Management:						
Regular annual appropriation act	5,819,374,000			5,819,374,000	5,815,074,000	-4,300,000
Permanent appropriations:						
Federal funds	11,986,683,000			11,986,683,000	11,986,683,000	
Trust funds	38,473,478,000			38,473,478,000	38,473,478,000	
Total, Office of Personnel Management	56,279,535,000			56,279,535,000	56,275,235,000	-4,300,000
Postal Service:						
Regular annual appropriation act	691,556,000			691,556,000	1,040,509,000	+348,953,000
Department of State:						
Regular annual appropriation acts	2,783,618,000	1,000,000		2,784,618,000	2,656,290,200	-128,327,800
Continuing appropriations		110,200,000		110,200,000	116,700,000	+6,500,000
Permanent appropriations:						
Federal funds	222,175,000			222,175,000	222,175,000	
Trust funds	599,860,000			599,860,000	599,860,000	
Total, Department of State	3,605,653,000	111,200,000		3,716,853,000	3,595,025,200	-121,827,800
Department of Transportation:						
Regular annual appropriation acts	11,221,587,639			11,221,587,639	11,054,030,639	-167,557,000
Continuing appropriations					14,000,000	+14,000,000
Estimates not considered (see Table VIIIh)		8,400,000		8,400,000		-8,400,000
Legislative acts: Trust funds[3]					[3]27,000,000	+27,000,000
Permanent appropriations:						
Federal funds	429,750,000			429,750,000	429,750,000	
(Contract authority)	*(422,750,000)*			*(422,750,000)*	*(422,750,000)*	
Trust funds	16,899,023,000			16,899,023,000	16,899,023,000	
(Contract authority)	*(16,889,723,000)*			*(16,889,723,000)*	*(16,889,723,000)*	
Total, Department of Transportation	28,550,360,639	8,400,000		28,558,760,639	28,423,803,639	-134,957,000

See footnotes at end of table, p. 1937.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1985, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985		Total budget estimates, fiscal year 1985	New budget (obligational) authority appropriated, 98th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of the Treasury:						
Regular annual appropriation acts	$9,733,334,000	$15,000,000	$15,000,000	$9,733,334,000	$9,808,865,000	+$75,531,000
Continuing appropriations					448,753	+448,753
Legislative Acts: Federal funds [3]					[3]9,000,000	+9,000,000
Private appropriation acts						
Permanent appropriations:						
Federal funds	168,595,175,000			168,595,175,000	168,595,175,000	
Trust funds	4,573,225,000			4,573,225,000	4,573,225,000	
Total, Department of the Treasury	182,901,734,000	15,000,000	15,000,000	182,901,734,000	182,986,713,753	+84,979,753
Veterans Administration:						
Regular annual appropriation act	25,792,091,000			25,792,091,000	25,755,408,000	−36,683,000
Continuing appropriations		306,600,000		306,600,000	306,600,000	
Estimates not considered (see Table VIIIh)			119,100,000	−119,100,000		+119,100,000
Permanent appropriations: Trust funds	1,525,600,000			1,525,600,000	1,525,600,000	
Total, Veterans Administration	27,317,691,000	306,600,000	119,100,000	27,505,191,000	27,587,608,000	+82,417,000
Grand total, new budget *(obligational)* authority *(net)*	1,182,511,891,640	5,425,043,170	223,244,000	1,187,713,690,810	1,174,842,668,986	−12,871,021,824
Consisting of—						
Regular annual and supplemental appropriation acts	555,277,249,640	4,991,413,170	104,144,000	560,164,518,810	550,671,967,233	−9,492,551,577
Rescission of unobligated balances	*(−1,998,834,000)*			*(−1,998,834,000)*	−4,753,619,000	[7] −4,753,619,000
Continuing appropriations	373,047,000	425,150,000		798,197,000	1,457,929,753	+659,732,753
Estimates not considered (see Table VIIIh)		8,480,000	119,100,000	−110,620,000		+110,620,000
Appropriated during prior Congressional sessions fiscal year 1985	7,507,204,000			7,507,204,000	7,902,000,000	+394,796,000
Appropriations in legislative acts: [3]						
Federal funds					[3]75,000,000	+75,000,000
Trust funds					[3]135,000,000	+135,000,000
Private appropriation acts						
Permanent appropriations:						
Federal funds	202,168,366,000			202,168,366,000	[8]202,168,366,000	
(Contract authority)	*(475,050,000)*			*(475,050,000)*	*(475,050,000)*	
(Authority to borrow)	*(979,737,000)*			*(979,737,000)*	*(979,737,000)*	

Trust funds	417,186,025,000			417,186,025,000	[8] 417,186,025,000	
(Contract authority)	*(29,889,723,000)*			*(29,889,723,000)*	*(29,889,723,000)*	
Subtotal *(net)*	1,182,511,891,640	5,425,043,170	223,244,000	1,187,713,690,810	1,174,842,668,986	−12,871,021,824
Less adjustments for interfund and intragovernmental transactions (see par. 4, "Compilers' Notes", p. IV)	−183,164,276,000			−183,164,276,000	−183,164,276,000	
Net total for fiscal year 1985 to date	999,347,615,640	5,425,043,170	223,244,000	1,004,549,414,810	991,678,392,986	−12,871,021,824
Deduct estimates and appropriations for fiscal year 1985 made during prior Congressional sessions	−7,507,204,000			−7,507,204,000	−7,902,000,000	−394,796,000
Net for fiscal year 1985 (98th Congress, 2nd session)	991,840,411,640	5,425,043,170	223,244,000	997,042,210,810	983,776,392,986	−13,265,817,824

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[1] Includes $8,698,269,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 98-138) as "permanent Federal funds" (see footnote 2 below).

[2] Excludes $8,698,269,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 98-138) as "permanent Federal funds" but reflected in this table as a "current definite" appropriation of $8,350,000,000 provided in H.R. 5743 (see pp. 83 and 1866, this volume).

[3] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[4] Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for the Supplemental Security Program in the Department of Health and Human Services (see footnote 5 on p. 1905, this volume).

[5] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905 this volume, for accounts involved).

[6] Submitted in the President's fiscal year 1986 budget (H. Doc. 99-18, p. I-K1) as a request for Acquired Immune Deficiency Syndrome Program (AIDS).

[7] Reflects actual rescission rather than comparison with request.

[8] Subject to revision as better data becomes available.

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VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1984, ARRANGED BY AGENCIES, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 98th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts and private acts)

Department or establishment	Budget estimates, fiscal year 1984	New budget (obligational) authority appropriated, fiscal year 1984	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture	$1,909,610,000	$2,074,299,000	+$164,689,000
Department of Commerce	3,368,000	58,050,000	+54,682,000
Department of Defense—Civil	461,000	39,961,000	+39,500,000
Department of Defense—Military	2,301,552,000	1,982,382,000	−319,170,000
District of Columbia:			
(Payable from District revenues—net)	*(14,374,000)*	*(14,373,700)*	*(−300)*
(New budget (obligational) authority)	*(43,890,000)*	*(35,991,000)*	*(−7,899,000)*
(Rescissions)	*(−29,516,000)*	*(−21,617,300)*	*(+7,898,700)*
Department of Education	15,000,000	59,650,000	+44,650,000
Department of Energy	622,617,000	464,629,000	−157,988,000
Environmental Protection Agency	55,500,000	112,900,000	+57,400,000
Foreign Assistance	1,002,914,170	662,312,000	−340,602,170
General Government *(net)*	296,728,000	334,613,000	+37,885,000
New budget *(obligational)* authority	(296,728,000)	(359,988,000)	(+63,260,000)
Rescissions	*(−25,375,000)*	(−25,375,000)	[1](−25,375,000)
General Services Administration	230,000		−230,000
Department of Health and Human Services	[2]249,713,000	[3]343,238,000	+93,525,000
Department of Housing and Urban Development *(net)*		−204,070,000	−204,070,000
New budget *(obligational)* authority		(150,200,000)	(+150,200,000)
Rescissions	*(−354,270,000)*	(−354,270,000)	[1](−354,270,000)
Department of the Interior *(net)*	101,042,000	194,985,000	+93,943,000
New budget *(obligational)* authority	(101,042,000)	(224,985,000)	(+123,943,000)
Rescissions		(−30,000,000)	(−30,000,000)
The Judiciary	29,421,000	8,225,000	−21,196,000
Department of Justice	83,589,000	85,744,000	+2,155,000
Department of Labor	5,500,000	131,494,000	+125,994,000
Legislative Branch	216,227,000	171,789,000	−44,438,000
National Aeronautics and Space Administration	20,000,000	30,582,000	+10,582,000
Department of State	49,866,000	47,827,000	−2,039,000
Department of Transportation	197,994,000	193,775,000	−4,219,000
Department of the Treasury	79,000,000	103,850,000	+24,850,000
Veterans Administration	614,019,000	645,757,000	+31,738,000
Private appropriation acts		169,080	+169,080
Grand total *(net)*	[2]7,854,351,170	[3]7,542,161,080	−312,190,090
Consisting of—			
Supplemental appropriation acts *(net)*	7,852,830,170	7,540,471,000	−312,359,170
New budget *(obligational)* authority	(7,852,830,170)	(7,950,116,000)	(+97,285,830)
Rescissions	*(−379,645,000)*	(−409,645,000)	[1](−409,645,000)
Regular annual appropriation acts	1,521,000	1,521,000	
Private appropriation acts		169,080	+169,080
(District of Columbia funds—net)	*(14,374,000)*	*(14,373,700)*	*(−300)*

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[1] Reflects actual rescission rather than comparison with request.

[2] Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for the Supplemental Security Program in the Department of Health and Human Services (see footnote 5 on p. 1905, this volume).

[3] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1905, this volume, for accounts involved).

1940

VIIId. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEARS 1980 AND 1982, ARRANGED BY AGENCIES, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal years 1980 and 1982	New budget (obligational) authority appropriated, fiscal years 1980 and 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1985			
DEPARTMENT OF THE TREASURY			
Energy Security Reserve *(rescission, fiscal year 1980)*		−$5,375,000,000	$5,375,000,000
LEGISLATIVE BRANCH APPROPRIATION ACT, 1985			
ARCHITECT OF THE CAPITOL			
CAPITOL BUILDINGS AND GROUNDS			
Capitol Power Plant *(rescission, fiscal year 1982)*		−914,000	−914,000
Total, fiscal years 1980 and 1982 *(rescissions)*		−5,375,914,000	−5,375,914,000

1942

VIIIe. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1986, ARRANGED BY AGENCIES, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1986	New budget (obligational) authority appropriated, fiscal year 1986	Increase (+) or decrease (−), appropriations compared with estimates
SECOND SUPPLMENTAL APPROPRIATIONS ACT, 1984 (P.L. 98-396)			
RELATED AGENCIES			
Corporation for Public Broadcasting		$29,500,000	+$29,500,000
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1985			
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
National Capital Region Arts and Cultural Affairs		4,900,000	+4,900,000
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH CARE FINANCING ADMINISTRATION			
Grants to states for Medicaid	$5,980,000,000	5,980,000,000	
SOCIAL SECURITY ADMINISTRATION			
Special benefits for disabled coal miners	270,000,000	270,000,000	
Supplemental security income program	2,345,769,000	2,345,769,000	
Assistance payments program	1,812,840,000	2,095,000,000	+282,160,000
Child Support Enforcement	160,000,000	160,000,000	
Total, Department of Health and Human Services	10,568,609,000	10,850,769,000	+282,160,000
Total, fiscal year 1986	10,568,609,000	10,885,169,000	+316,560,000

1944

VIIIf. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY AGENCIES, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, fiscal year 1987	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1985			
RELATED AGENCIES			
Corporation for Public Broadcasting	$100,000,000	$200,000,000	+$100,000,000

VIIIg. RECAPITULATION OF COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, 98TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

	Amount
Net reduction below budget estimates for fiscal 1980 and 1982 (p. 1941)	−$5,375,914,000
Net reduction below budget estimates for fiscal 1984 (p. 1939)	−312,190,090
Net reduction below budget estimates for fiscal 1985 (p. 1937)	−13,265,817,824
Net increase in budget estimates for fiscal 1986 (p. 1943)	+316,560,000
Net increase in budget estimates for fiscal 1987 (p. 1945)	+100,000,000
Total net reduction below budget estimates, 98th Cong., 2d sess	−18,537,361,914

1948

VIIIh. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1985	Budget amendments and supplemental estimates, fiscal year 1985 and prior years		Total budget estimates not considered
			Increases	Decreases	
GENERAL GOVERNMENT					
Farm Credit Administration					
(Limitation on administrative expenses, 1984)	98-236		*($241,000)*		*($241,000)*
Temporary Study Commissions					
Commission on Executive, Legislative, and Judicial Salaries: Salaries and expenses, 1984	98-139 98-193		160,000	$160,000	
LEGISLATIVE BRANCH					
Architect of the Capitol					
Capitol Buildings, 1985	98-229		[1]80,000		80,000
DEPARTMENT OF TRANSPORTATION					
Coast Guard					
Alteration of Bridges, 1985	98-259		[1]8,400,000		8,400,000
VETERANS ADMINISTRATION					
Compensation, 1985	98-229			81,000,000	-81,000,000
Pensions, 1985	98-229			38,100,000	-38,100,000
Total, Veterans Administration, 1985				119,100,000	-119,100,000
Grand total, estimates not considered			8,640,000	119,260,000	-110,620,000
Fiscal year 1984			(160,000)	(160,000)	
(Limitation on administrative expenses)			*(241,000)*		*(241,000)*
Fiscal year 1985			(8,480,000)	(119,100,000)	(-110,620,000)

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[1] Submitted too late for consideration in the applicable appropriation bill.

1950

VIIIi. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 98TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
District of Columbia:			
Second Supplemental Appropriations Act, 1984 (P.L. 98-396) *(District of Columbia Funds)*	*($29,516,000)*	*($21,617,300)*	*(−$7,898,700)*
General Government:			
Second Supplemental Appropriations Act, 1984 (P.L. 98-396):			
Panama Canal Commission, operating expenses	17,750,000	17,750,000	
Panama Canal Commission, capital outlay	7,625,000	7,625,000	
Total, general government	25,375,000	25,375,000	
Department of Housing and Urban Development:			
Second Supplemental Appropriations Act, 1984 (P.L. 98-396):			
Rental housing assistance *(contract authority, indefinite)*	354,270,000	354,270,000	
HUD Appropriations Act, 1985 (P.L. 98-371):			
Annual contribution for assisted housing *(contract authority, indefinite)*		2,754,713,000	+2,754,713,000
Rent supplement *(contract authority, indefinite)*	1,834,074,000	1,834,074,000	
Rental housing assistance *(contract authority, indefinite)*	164,760,000	164,760,000	
Total, Housing and Urban Development	2,353,104,000	5,107,817,000	+2,754,713,000
Department of the Interior:			
Second Supplemental Appropriations Act, 1984 (P.L. 98-396):			
National Park Service, Land and Water Conservation Fund *(contract authority)*		30,000,000	+30,000,000
Legislative Branch:			
Second Supplemental Appropriations Act, 1984 (P.L. 98-396):			
Architect of the Capitol, Capitol buildings *(fiscal year 1985)*		72,000	+72,000
Legislative Branch Appropriations Act, 1985 (P.L. 98-367):			
Architect of the Capitol, Capitol power plant *(fiscal year 1982)*		914,000	+914,000
Total, Legislative branch		986,000	+986,000
Department of the Treasury:			
Interior Appropriations Act, 1985 (H.R. 5973, P.L. 98-473):			
Energy Security Reserve *(fiscal year 1980)*		5,375,000,000	+5,375,000,000
Grand total, rescissions of budget authority, (98th Congress, 2nd session)	[1] 2,378,479,000	[1] 10,539,178,000	+8,160,699,000
Fiscal year 1980		(5,375,000,000)	(+5,375,000,000)
Fiscal year 1982		(914,000)	(+914,000)
Fiscal year 1984	(379,645,000)	(409,645,000)	(+30,000,000)
Fiscal year 1985	(1,998,834,000)	(4,753,619,000)	(+2,754,785,000)
District of Columbia funds, 1984	*(29,516,000)*	*(21,617,300)*	*(−7,898,700)*

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[1] See pp. 617-628A for status reports on rescissions and deferrals.

1952

VIIIj. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION

[NOTE.—For informational purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amounts proposed for deferral [1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of the Interior:			
Urgent Supplemental, Department of Agriculture, 1984 (P.L. 98-332):			
Construction, Cumberland Gap tunnel and related activities (D84-50)	$14,000,000	$14,000,000	....
Grand total, deferrals of budget authority (98th Congress, 2nd session):			
Deferrals proposed and amounts disapproved	14,000,000	14,000,000	....

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[1] Amount proposed for deferral reflects original request for fiscal year 1984 deferral proposed during the 2d session of the 98th Congress on which the Congress took legislative action. Adjustments proposed in subsequent documents or congressionally initiated deferral actions are not reflected. In addition, this table does not reflect deferrals that went into effect because no action was taken by the Congress. See pp. 617–624 and 625–628A for status reports on rescisions and deferrals.

1954

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture:			
Appropriations, fiscal year 1985:			
Regular annual act [1]	$32,745,427,000	$32,699,433,000	−$45,994,000
Carried in other regular annual act	1,433,624,000	1,310,073,000	−123,551,000
Carried in continuing appropriations		1,000,000	+1,000,000
Subtotal	34,179,051,000	34,010,506,000	−168,545,000
Permanent appropriations:			
Federal funds	3,343,919,000	3,343,919,000	
(Authority to borrow)	*(1,101,000)*	*(1,101,000)*	
Trust funds	282,372,000	282,372,000	
Total, permanent appropriations	3,626,291,000	3,626,291,000	
Total appropriations, fiscal year 1985	37,805,342,000	37,636,797,000	−168,545,000
Appropriations, fiscal year 1984:			
Supplemental act	1,909,610,000	2,074,299,000	+164,689,000
Grand total for session, Department of Agriculture	39,714,952,000	39,711,096,000	−3,856,000
Department of Commerce:			
Appropriations, fiscal year 1985:			
Regular annual act	1,624,040,000	2,129,304,000	+505,264,000
Permanent appropriations:			
Federal funds	38,600,000	38,600,000	
Trust funds	31,200,000	31,200,000	
Total, permanent appropriations	69,800,000	69,800,000	
Total appropriations, fiscal year 1985	1,693,840,000	2,199,104,000	+505,264,000
Appropriations, fiscal year 1984:			
Supplemental act	3,368,000	58,050,000	+54,682,000
Grand total for session, Department of Commerce	1,697,208,000	2,257,154,000	+559,946,000
Department of Defense—Civil:			
Appropriations, fiscal year 1985:			
Regular annual act	2,716,000,000	2,791,000,000	+75,000,000
Carried in other regular annual acts	45,111,000	50,111,000	+5,000,000
Subtotal	2,761,111,000	2,841,111,000	+80,000,000
Permanent appropriations:			
Federal funds	8,909,679,000	8,909,679,000	
Trust funds	27,327,776,000	27,327,776,000	
Total, permanent appropriations	36,237,455,000	36,237,455,000	
Total appropriations, fiscal year 1985	38,998,566,000	39,078,566,000	+80,000,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Civil—Continued:			
Appropriations, fiscal year 1984:			
Supplemental act	$461,000	$39,961,000	+$39,500,000
Grand total for session, Department of Defense—Civil	38,999,027,000	39,118,527,000	+119,500,000
Department of Defense—Military:			
Military personnel:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	67,831,600,000	66,895,639,000	−935,961,000
Appropriations, fiscal year 1984:			
Supplemental act	1,204,530,000	985,250,000	−219,280,000
Total, military personnel	69,036,130,000	67,880,889,000	−1,155,241,000
Operation and maintenance:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	80,927,042,000	77,521,356,000	−3,405,686,000
Appropriations, fiscal year 1984:			
Supplemental act	955,032,000	873,132,000	−81,900,000
Total, operation and maintenance	81,882,074,000	78,394,488,000	−3,487,586,000
Procurement:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	107,586,341,000	97,111,404,000	−10,474,937,000
Appropriations, fiscal year 1984:			
Supplemental act	50,000,000	50,000,000	
Total, procurement	107,636,341,000	97,161,404,000	−10,474,937,000
Research, development, test, and evaluation:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	33,985,037,000	31,187,071,000	−2,797,966,000
Special foreign currency program:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	8,650,000	8,650,000	
Revolving and management funds:			
Appropriations, fiscal year 1985:			
Regular annual act [2]	1,762,056,000	1,553,956,000	−208,100,000
Military construction:			
Appropriations, fiscal year 1985:			
Carried in separate regular annual act [3]	10,318,200,000	8,405,206,000	−1,912,994,000
Appropriations, fiscal year 1984:			
Supplemental act	91,990,000	74,000,000	−17,990,000
Total, military construction	10,410,190,000	8,479,206,000	−1,930,984,000
Total, regular annual and supplemental appropriation acts	304,720,478,000	284,665,664,000	−20,054,814,000
Legislative acts: Trust funds		30,000,000	+30,000,000
Permanent appropriations:			
Federal funds	600,000	600,000	
(Authority to borrow)	*(600,000)*	*(600,000)*	
Trust funds	24,600,000	24,600,000	
Total, permanent appropriations	25,200,000	25,200,000	

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Grand total for session, Department of Defense—Military	$304,745,678,000	$284,720,864,000	−$20,024,814,000
Consisting of—			
Appropriations, fiscal year 1985:			
Regular annual act	292,100,726,000	274,278,076,000	−17,822,650,000
Carried in separate regular annual act	10,318,200,000	8,405,206,000	−1,912,994,000
Legislative acts: Trust funds		30,000,000	+30,000,000
Subtotal	302,418,926,000	282,713,282,000	−19,705,644,000
Permanent appropriations:			
Federal funds	600,000	600,000	
Trust funds	24,600,000	24,600,000	
Subtotal	25,200,000	25,200,000	
Total appropriations, fiscal year 1985	302,444,126,000	282,738,482,000	−19,705,644,000
Appropriations, fiscal year 1984:			
Supplemental act	2,301,552,000	1,982,382,000	−319,170,000
Grand total for session, Department of Defense—Military	304,745,678,000	284,720,864,000	−20,024,814,000
District of Columbia—Federal Funds:			
Appropriations, fiscal year 1985:			
Regular annual act[4]	503,470,000	533,343,000	+29,873,000
(District of Columbia—Payable from District revenues):			
(Appropriations, fiscal year 1985):			
(Regular annual act (net))[4]	*(2,341,962,000)*	*(2,363,128,000)*	*(+21,166,000)*
(Appropriations, fiscal year 1984):			
(Supplemental act (net))	*(14,374,000)*	*(14,373,700)*	*(−300)*
(New budget (obligational) authority)	*(43,890,000)*	*(35,991,000)*	*(−7,899,000)*
(Rescissions)	*(−29,516,000)*	*(−21,617,300)*	*(+7,898,700)*
(Grand total for session, District of Columbia—Payable from District revenues (net))	*(2,356,336,000)*	*(2,377,501,700)*	*(+21,165,700)*
Department of Education:			
Appropriations, fiscal year 1985:			
Regular annual act	15,408,508,000	17,851,556,000	+2,443,048,000
Carried in other regular annual act	68,780,000	67,404,000	−1,376,000
Carried in continuing appropriations		40,000,000	+40,000,000
Subtotal	15,477,288,000	17,958,960,000	+2,481,672,000
Permanent appropriations:			
Federal funds	7,161,000	7,161,000	
Trust funds	10,000	10,000	
Total, permanent appropriations	7,171,000	7,171,000	
Total appropriations, fiscal year 1985	15,484,459,000	17,966,131,000	+2,481,672,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Education—Continued:			
Appropriations, fiscal year 1984:			
Supplemental act	$15,000,000	$59,650,000	+$44,650,000
Grand total for session, Department of Education	15,499,459,000	18,025,781,000	+2,526,322,000
Department of Energy:			
Appropriations, fiscal year 1985:			
Regular annual act	11,417,500,000	10,807,228,000	−610,272,000
Carried in other regular annual act	841,522,000	981,693,000	+140,171,000
Subtotal	12,259,022,000	11,788,921,000	−470,101,000
Permanent appropriations:			
Federal funds	314,300,000	314,300,000	
(Authority to borrow)	*(298,730,000)*	*(298,730,000)*	
Trust funds	18,460,000	18,460,000	
Total, permanent appropriations	332,760,000	332,760,000	
Total appropriations, fiscal year 1985	12,591,782,000	12,121,681,000	−470,101,000
Appropriations, fiscal year 1984:			
Supplemental act	622,617,000	464,629,000	−157,988,000
Grand total for session, Department of Energy	13,214,399,000	12,586,310,000	−628,089,000
Environmental Protection Agency:			
Appropriations, fiscal year 1985:			
Regular annual act	4,293,254,000	4,372,775,000	+79,521,000
Carried in continuing appropriations		13,000,000	+13,000,000
Total appropriations, fiscal year 1985	4,293,254,000	4,385,775,000	+92,521,000
Appropriations, fiscal year 1984:			
Supplemental act	55,500,000	112,900,000	+57,400,000
Grand total for session, Environmental Protection Agency	4,348,754,000	4,498,675,000	+149,921,000
Foreign Assistance:			
Appropriations, fiscal year 1985:			
Regular annual act[5]	17,825,349,226	17,765,649,636	−59,699,590
Permanent appropriations:			
Trust funds	13,015,510,000	13,015,510,000	
(Contract authority)	*(13,000,000,000)*	*(13,000,000,000)*	
Total appropriations, fiscal year 1985	30,840,859,226	30,781,159,636	−59,699,590
Appropriations, fiscal year 1984:			
Supplemental act	1,002,914,170	662,312,000	−340,602,170
Grand total for session, Foreign Assistance	31,843,773,396	31,443,471,636	−400,301,760
General Government:			
Appropriations, fiscal year 1985:			
Regular annual act[6]	180,215,000	181,380,000	+1,165,000
Carried in other regular annual acts	7,341,572,945	7,406,793,945	+65,221,000
Carried in continuing appropriations		4,400,000	+4,400,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
General Government—Continued:			
Appropriations, fiscal year 1985—Continued:			
Carried in supplemental act		$20,500,000	+$20,500,000
Appropriated during 97th Cong., 2nd sess. for fiscal year 1985	$85,000,000	130,000,000	+45,000,000
Subtotal	7,606,787,945	7,743,073,945	+136,286,000
Legislative acts:			
Federal funds		1,000,000	+1,000,000
Trust funds		31,000,000	+31,000,000
Total, legislative acts		32,000,000	+32,000,000
Permanent appropriations:			
Federal funds	3,329,811,000	3,329,811,000	
(Authority to borrow)	*(454,111,000)*	*(454,111,000)*	
Trust funds	9,204,743,000	9,204,743,000	
Total, permanent appropriations	12,534,554,000	12,534,554,000	
Total appropriations, fiscal year 1985	20,141,341,945	20,309,627,945	+168,286,000
Appropriations, fiscal year 1984:			
Supplemental act *(net)*	296,728,000	334,613,000	+37,885,000
New budget *(obligational)* authority	(296,728,000)	(359,988,000)	(+63,260,000)
Rescissions	*(−25,375,000)*	(−25,375,000)	[7](−25,375,000)
Appropriations, fiscal year 1986:			
Carried in supplemental act		29,500,000	+29,500,000
Appropriations, fiscal year 1987:			
Carried in other regular annual act	100,000,000	200,000,000	+100,000,000
Grand total for session, General Government *(net)*	20,538,069,945	20,873,740,945	+335,671,000
General Services Administration:			
Appropriations, fiscal year 1985:			
Regular annual act[6]	499,849,000	495,089,000	−4,760,000
Carried in other regular annual act	349,000	1,149,000	+800,000
Subtotal	500,198,000	496,238,000	−3,960,000
Permanent appropriations:			
Federal funds	7,600,000	7,600,000	
Trust funds	184,000	184,000	
Total, permanent appropriations	7,784,000	7,784,000	
Total appropriations, fiscal year 1985	507,982,000	504,022,000	−3,960,000
Appropriations, fiscal year 1984:			
Supplemental act	230,000		−230,000
Grand total for session, General Services Administration	508,212,000	504,022,000	−4,190,000
Department of Health and Human Services:			
Appropriations, fiscal year 1985:			
Regular annual act	[8]66,337,199,000	[8]68,780,024,000	+2,442,825,000
Carried in other regular annual acts	1,138,050,000	1,257,052,000	+119,002,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Health and Human Services—Continued:			
Appropriations, fiscal year 1985—Continued:			
Carried in continuing appropriations	$381,397,000	$566,081,000	+$184,684,000
Appropriated during 98th Cong., 1st sess. for fiscal year 1985	7,422,204,000	7,772,000,000	+349,796,000
Subtotal	75,278,850,000	78,375,157,000	+3,096,307,000
Legislative acts: Trust funds		46,000,000	+46,000,000
Permanent appropriations:			
Federal funds	3,653,450,000	3,653,450,000	
Trust funds	276,943,552,000	276,943,552,000	
Total, permanent appropriations	280,597,002,000	280,597,002,000	
Total appropriations, fiscal year 1985	355,875,852,000	359,018,159,000	+3,142,307,000
Appropriations, fiscal year 1984:			
Supplemental act	249,713,000	343,238,000	+93,525,000
Appropriations, fiscal year 1986:			
Regular annual act	10,568,609,000	10,850,769,000	+282,160,000
Grand total for session, Department of Health and Human Services	366,694,174,000	370,212,166,000	+3,517,992,000
Department of Housing and Urban Development:			
Appropriations, fiscal year 1985:			
Regular annual act	12,281,518,000	16,935,207,775	+4,653,689,775
Rescission of contract authority	*(−1,998,834,000)*	−4,753,547,000	[7] −4,753,547,000
Carried in continuing appropriations		395,700,000	+395,700,000
Appropriations to liquidate contract authorizations	*(11,663,000,000)*	*(11,663,000,000)*	
Subtotal *(net)*	12,281,518,000	12,577,360,775	+295,842,775
Permanent appropriations:			
Federal funds	253,447,000	253,447,000	
(Contract authority)	*(22,300,000)*	*(22,300,000)*	
(Authority to borrow)	*(223,895,000)*	*(223,895,000)*	
Total appropriations, fiscal year 1985 *(net)*	12,534,965,000	12,830,807,775	+295,842,775
Appropriations, fiscal year 1984:			
Supplemental act *(net)*		−204,070,000	−204,070,000
New budget *(obligational)* authority		(150,200,000)	(+150,200,000)
Rescissions	*(−354,270,000)*	(−354,270,000)	[7](−354,270,000)
Grand total for session, Department of Housing and Urban Development *(net)*	12,534,965,000	12,626,737,775	+91,772,775
Department of the Interior:			
Appropriations, fiscal year 1985:			
Regular annual act[10]	3,982,588,000	4,315,914,000	+333,326,000
Carried in other regular annual act	1,076,931,000	1,052,709,000	−24,222,000
Appropriations to liquidate contract authorizations		*(28,000,000)*	*(+28,000,000)*
Subtotal	5,059,519,000	5,368,623,000	+309,104,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Interior—Continued:			
Appropriations, fiscal year 1985—Continued:			
Legislative acts: Federal funds		$15,000,000	+$15,000,000
Permanent appropriations:			
Federal funds	$977,430,000	977,430,000	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
(Authority to borrow)	*(1,300,000)*	*(1,300,000)*	
Trust funds	483,687,000	483,687,000	
Total, permanent appropriations	1,461,117,000	1,461,117,000	
Total appropriations, fiscal year 1985	6,520,636,000	6,844,740,000	+324,104,000
Appropriations, fiscal year 1984:			
Supplemental act *(net)*	101,042,000	194,985,000	+93,943,000
New budget *(obligational)* authority	(101,042,000)	(224,985,000)	(+123,943,000)
Rescissions		(−30,000,000)	(−30,000,000)
Appropriations, fiscal year 1986:			
Carried in regular annual act		4,900,000	+4,900,000
Grand total for session, Department of the Interior *(net)*	6,621,678,000	7,044,625,000	+422,947,000
The Judiciary:			
Appropriations, fiscal year 1985:			
Regular annual act	1,023,521,000	977,903,000	−45,618,000
Permanent appropriations: Trust funds	13,291,000	13,291,000	
Total appropriations, fiscal year 1985	1,036,812,000	991,194,000	−45,618,000
Appropriations, fiscal year 1984:			
Supplemental act	29,421,000	8,225,000	−21,196,000
Grand total for session, The Judiciary	1,066,233,000	999,419,000	−66,814,000
Department of Justice:			
Appropriations, fiscal year 1985:			
Regular annual act	3,688,827,000	3,692,713,000	+3,886,000
Legislative acts: Federal funds		50,000,000	+50,000,000
Total appropriations, fiscal year 1985	3,688,827,000	3,742,713,000	+53,886,000
Appropriations, fiscal year 1984:			
Supplemental act	83,589,000	85,744,000	+2,155,000
Grand total for session, Department of Justice	3,772,416,000	3,828,457,000	+56,041,000
Department of Labor:			
Appropriations, fiscal year 1985:			
Regular annual act	6,142,471,000	6,340,645,000	+198,174,000
Legislative acts: Trust funds		1,000,000	+1,000,000
Permanent appropriations: Trust funds	27,762,010,000	27,762,010,000	
Total appropriations, fiscal year 1985	33,904,481,000	34,103,655,000	+199,174,000
Appropriations, fiscal year 1984:			
Supplemental act	5,500,000	131,494,000	+125,994,000
Grand total for session, Department of Labor	33,909,981,000	34,235,149,000	+325,168,000

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION--Continued

[Note —Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par 4, "Compilers' Notes," p. III) Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
Legislative Branch:			
Appropriations, fiscal year 1985:			
Regular annual act	$1,595,905,000	$1,550,408,038	−$45,496,962
Carried in supplemental act *(net)*	51,000	−21,000	−72,000
New budget *(obligational)* authority	(51,000)	(51,000)	
Rescission of unobligated balances		(−72,000)	(−72,000)
Estimates not considered (see Table VIIIh)	80,000		−80,000
Subtotal *(net)*	1,596,036,000	1,550,387,038	−45,648,962
Permanent appropriations:			
Federal funds	98,586,000	98,586,000	
Trust funds	7,444,000	7,444,000	
Total permanent appropriations	106,030,000	106,030,000	
Total appropriations, fiscal year 1985 *(net)*	1,702,066,000	1,656,417,038	−45,648,962
Appropriations, fiscal year 1984:			
Regular annual act	1,521,000	1,521,000	
Supplemental acts	214,706,000	170,268,000	−44,438,000
Total appropriations, fiscal year 1984	216,227,000	171,789,000	−44,438,000
Appropriations, fiscal year 1982:			
Regular annual act:			
Rescissions of unobligated balances		−914,000	−914,000
Grand total for session, Legislative Branch *(net)*	1,918,293,000	1,827,292,038	−91,000,962
National Aeronautics and Space Administration:			
Appropriations, fiscal year 1985:			
Regular annual act	7,491,400,000	7,491,400,000	
Appropriations, fiscal year 1984:			
Supplemental act	20,000,000	30,582,000	+10,582,000
Grand total for session, National Aeronautics and Space Administration	7,511,400,000	7,521,982,000	+10,582,000
Office of Personnel Management:			
Appropriations, fiscal year 1985:			
Regular annual act[6]	5,819,374,000	5,815,074,000	−4,300,000
Permanent appropriations:			
Federal funds	11,986,683,000	11,986,683,000	
Trust funds	38,473,478,000	38,473,478,000	
Total permanent appropriations	50,460,161,000	50,460,161,000	
Grand total for session, Office of Personnel Management	56,279,535,000	56,275,235,000	−4,300,000
Postal Service:			
Appropriations, fiscal year 1985:			
Regular annual act[6]	691,556,000	1,040,509,000	+348,953,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of State:			
Appropriations, fiscal year 1985:			
Regular annual act	$2,338,951,000	$2,231,573,200	−$107,377,800
Carried in other regular annual act	445,667,000	424,717,000	−20,950,000
Carried in continuing appropriations	110,200,000	116,700,000	+6,500,000
Subtotal	2,894,818,000	2,772,990,200	−121,827,800
Permanent appropriations:			
Federal funds	222,175,000	222,175,000	
Trust funds	599,860,000	599,860,000	
Total, permanent appropriations	822,035,000	822,035,000	
Total appropriations, fiscal year 1985	3,716,853,000	3,595,025,200	−121,827,800
Appropriations, fiscal year 1984:			
Supplemental act	49,866,000	47,827,000	−2,039,000
Grand total for session, Department of State	3,766,719,000	3,642,852,200	−123,866,800
Department of Transportation:			
Appropriations, fiscal year 1985:			
Regular annual act [11]	11,145,857,639	10,973,663,639	−172,194,000
Carried in other regular annual act	75,730,000	80,367,000	+4,637,000
Carried in continuing appropriations		14,000,000	+14,000,000
Estimates not considered (see Table VIIIh)	8,400,000		−8,400,000
Appropriations to liquidate contract authorizations	*(14,589,500,000)*	*(14,581,375,000)*	*(−8,125,000)*
Subtotal	11,229,987,639	11,068,030,639	−161,957,000
Legislative acts: Trust funds		27,000,000	+27,000,000
Permanent appropriations:			
Federal funds	429,750,000	429,750,000	
(Contract authority)	*(422,750,000)*	*(422,750,000)*	
Trust funds	16,899,023,000	16,899,023,000	
(Contract authority)	*(16,889,723,000)*	*(16,889,723,000)*	
Total, permanent appropriations	17,328,773,000	17,328,773,000	
Total appropriations, fiscal year 1985	28,558,760,639	28,423,803,639	−134,957,000
Appropriations, fiscal year 1984:			
Supplemental act	197,994,000	193,775,000	−4,219,000
Grand total for session, Department of Transportation	28,756,754,639	28,617,578,639	−139,176,000
Department of the Treasury:			
Appropriations, fiscal year 1985:			
Regular annual act [8]	5,158,693,000	5,234,224,000	+75,531,000
Carried in other regular annual act	4,574,641,000	4,574,641,000	
Carried in continuing appropriations		448,753	+448,753
Subtotal	9,733,334,000	9,809,313,753	+75,979,753
Legislative acts: Federal funds		9,000,000	+9,000,000

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Treasury—Continued:			
Appropriations, fiscal year 1985—Continued:			
Permanent appropriations:			
Federal funds	$168,595,175,000	$168,595,175,000	
Trust funds	4,573,225,000	4,573,225,000	
Total, permanent appropriations	173,168,400,000	173,168,400,000	
Total appropriations, fiscal year 1985 *(net)*	182,901,734,000	182,986,713,753	+$84,979,753
Appropriations, fiscal year 1984:			
Supplemental act	79,000,000	103,850,000	+24,850,000
Private appropriation acts		169,080	+169,080
Total appropriations, fiscal year 1984	79,000,000	104,019,080	+25,019,080
Appropriations, fiscal year 1980:			
Carried in other regular annual act:			
Rescission of unobligated balances		−5,375,000,000	−5,375,000,000
Grand total for session, Department of the Treasury *(net)*	182,980,734,000	177,715,732,833	−5,265,001,167
Veterans Administration:			
Appropriations, fiscal year 1985:			
Regular annual act	25,792,091,000	25,755,408,000	−36,683,000
Carried in continuing appropriations	306,600,000	306,600,000	
Estimates not considered (see Table VIIIh)	−119,100,000		+119,100,000
Permanent appropriations: Trust funds	1,525,600,000	1,525,600,000	
Total appropriations, fiscal year 1985	27,505,191,000	27,587,608,000	+82,417,000
Appropriations, fiscal year 1984:			
Supplemental acts	614,019,000	645,757,000	+31,738,000
Grand total for session, Veterans Administration	28,119,210,000	28,233,365,000	+114,155,000
Grand total:			
Consisting of—			
Appropriations:			
Fiscal year 1985 *(net)*	1,187,713,690,810	1,174,842,668,986	−12,871,021,824
New budget *(obligational)* authority	(1,187,713,690,810)	(1,179,596,287,986)	(−8,117,402,824)
Rescissions of unobligated balances	*(−1,998,834,000)*	(−4,753,619,000)	[7](−4,753,619,000)
Fiscal year 1984 *(net)*	7,854,351,170	7,542,161,080	−312,190,090
New budget *(obligational)* authority	(7,854,351,170)	(7,951,806,080)	(+97,454,910)
Rescissions of unobligated balances	*(−379,645,000)*	(−409,645,000)	[7](−409,645,000)
Fiscal year 1982 *(rescissions)*		−914,000	−914,000
Fiscal year 1980 *(rescissions)*		−5,375,000,000	−5,375,000,000
Fiscal year 1986	10,568,609,000	10,885,169,000	+316,560,000
Fiscal year 1987	100,000,000	200,000,000	+100,000,000
Appropriations to liquidate contract authorizations: Fiscal year 1985	*(26,252,500,000)*	*(26,272,375,000)*	*(+19,875,000)*
Net total	1,206,236,650,980	1,188,094,085,066	−18,142,565,914

See footnotes at end of table, p. 1965.

VIIIk. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 98TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 4, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1984 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 98th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Less adjustments for interfund and intragovernmental transactions (see par. 4 "Compilers' Notes," p. IV)	−$183,164,276,000	−$183,164,276,000	
Subtotal	1,023,072,374,980	1,004,929,809,066	−$18,142,565,914
Less estimates and appropriations made during prior Congressional sessions for fiscal year 1985	−7,507,204,000	−7,902,000,000	−394,796,000
Net total for session	1,015,565,170,980	997,027,809,066	−18,537,361,914
Consisting of:			
Regular annual, supplemental and continuing appropriation acts	579,485,675,980	571,166,702,986	−8,318,972,994
Rescission of unobligated balances	*(−2,378,479,000)*	−10,539,178,000	[7] −10,539,178,000
Estimates not considered *(net)*	−110,620,000		+110,620,000
Appropriations in legislative acts: Federal and trust funds [12]		[12] 210,000,000	+210,000,000
Private appropriation acts		169,080	+169,080
Permanent appropriations: Federal and trust funds	619,354,391,000	619,354,391,000	
Adjustments for interfund and intragovernmental transactions (see par. 4 "Compilers' Notes," p. IV)	−183,164,276,000	−183,164,276,000	

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[1] The regular appropriations bill for Agriculture, Rural Development, and Related Agencies for fiscal year 1985 (H.R. 5743) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 78 and p. 283, this volume, for relevant section of continuing resolution).

[2] The regular appropriations bill for the Department of Defense for fiscal year 1985 (H.R. 6329) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 131 and pp. 346–383, this volume, for relevant section of continuing resolution).

[3] The regular appropriations bill for Military Construction for fiscal year 1985 (H.R. 5898) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 243 and pp. 321–327, this volume, for relevant section of continuing resolution).

[4] The regular appropriations bill for the District of Columbia for fiscal year 1985 (H.R. 5899) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 133 and p. 283, this volume, for relevant section of continuing resolution).

[5] The regular appropriations bill for Foreign Assistance and Related Programs for fiscal year 1985 (H.R. 6237) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e)(1) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 165 and pp. 327–346, this volume, for relevant section of continuing resolution).

[6] The regular appropriations bill for Treasury, Postal Service, and General Government for fiscal year 1985 (H.R. 5798) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 247 and p. 400, this volume, for relevant section of continuing resolution).

[7] Reflects actual rescission rather than comparison with request.

[8] Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for the Supplemental Security Program in the Department of Health and Human Services (see footnote 5 on p. 1906, this volume).

[9] Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services (see footnote 5 on p. 1906, this volume, for accounts involved).

[10] The regular appropriations bill for the Department of the Interior and Related Agencies for fiscal year 1985 (H.R. 5973) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 193 and pp. 283–319, this volume, for relevant section of continuing resolution).

[11] The regular appropriations bill for the Department of Transportation and Related Agencies for fiscal year 1985 (H.R. 5921) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 98–473, approved October 12, 1984, Making Further Continuing Appropriations for fiscal year 1985 (see "note" on page 245 and pp. 383–400, this volume, for relevant section of continuing resolution).

[12] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974–1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

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IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (−), appropriations compared with estimates (4)
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	−$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	−1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	−2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	−2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	−1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	−1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	−4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	−8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	−12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	−2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	−2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	−257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	−5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	−617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	−1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	−211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	−4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	−4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	−6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	−4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	−2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	−929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] −6,071,790,017

See footnotes on pp. 1971–1973.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
90th Cong., 2d sess., fiscal year 1969 and prior years	[10] $209,439,260,996	[11] $196,537,244,324	-$12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,908,612,996)*	*(133,339,868,734)*	*(-14,568,744,262)*
Appropriations in legislative acts	*(1,332,500,000)*	*(2,999,227,590)*	*(+1,666,727,590)*
Permanent appropriations, Federal and trust funds	*(72,998,148,000)*	*(72,998,148,000)*	....
Adjustments for interfund and intragovernmental transactions	*(-12,800,000,000)*	*(-12,800,000,000)*	....
91st Cong., 1st sess., fiscal year 1970 and prior years	[12] 210,843,237,215	[13] 207,248,481,494	-3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	*(142,701,346,215)*	*(134,431,463,135)*	*(-8,269,883,080)*
Appropriations in legislative acts	*(5,000,000)*	*(4,680,127,359)*	*(+4,675,127,359)*
Permanent appropriations, Federal and trust funds	*(82,052,416,000)*	*(82,052,416,000)*	....
Adjustments for interfund and intragovernmental transactions	*(-13,915,525,000)*	*(-13,915,525,000)*	....
91st Cong., 2d sess., fiscal year 1971 and prior years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,778,903,434)*	*(144,273,528,504)*	*(-3,505,374,930)*
Appropriations in legislative acts	....	*(18,039,291,378)*	*(+18,039,291,378)*
Permanent appropriations, Federal and trust funds	*(88,059,842,000)*	*(88,059,842,000)*	....
Adjustments for interfund and intragovernmental transactions	*(-18,232,767,000)*	*(-18,232,767,000)*	....
92d Cong., 1st sess., fiscal year 1972 and prior years	[16] 248,329,646,937	[17] 245,707,600,635	-2,622,046,302
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(167,969,353,937)*	*(165,300,661,865)*	*(-2,668,692,072)*
Appropriations in legislative acts	....	*(46,645,770)*	*(+46,645,770)*
Permanent appropriations, Federal and trust funds	*(100,764,691,000)*	*(100,764,691,000)*	....
Adjustments for interfund and intragovernmental transactions	*(-20,404,398,000)*	*(-20,404,398,000)*	....
92d Cong., 2d sess., fiscal year 1973 and prior years	[18] 281,543,640,953	[19] [20] 284,782,538,934	+3,238,897,981
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(185,509,077,552)*	*(179,006,901,364)*	*(-6,502,176,188)*
Appropriations in legislative acts	*(1,954,000,000)*	*(11,200,404,169)*	*(+9,246,404,169)*
Permanent appropriations, Federal and trust funds	*(117,995,208,401)*	*(118,489,878,401)*	*(+494,670,000)*
Adjustments for interfund and intragovernmental transactions	*(-23,914,645,000)*	*(-23,914,645,000)*	....

See footnotes on pp. 1971–1973.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
93d Cong., 1st sess., fiscal year 1974 and prior years	[21] $295,154,959,255	[22] $303,476,236,654	+$8,321,277,399
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(178,014,404,255)*	*(174,902,319,304)*	*(-3,112,084,951)*
Appropriations in legislative acts	*(4,969,950,000)*	*(16,403,312,350)*	*(+11,433,362,350)*
Permanent appropriations, Federal and trust funds	*(149,428,595,000)*	*(149,428,595,000)*	
Adjustments for interfund and intragovernmental transactions	*(-37,257,990,000)*	*(-37,257,990,000)*	
93d Cong., 2d sess., fiscal year 1975 and prior years	[23] 344,779,700,007	[24] 390,041,133,427	[25] +45,261,433,420
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(213,694,183,007)*	*(204,012,311,514)*	*(-9,681,871,493)*
Appropriations in legislative acts	*(7,778,000,000)*	[26] *(62,721,304,913)*	*(+54,943,304,913)*
Permanent appropriations, Federal and trust funds	*(167,031,493,000)*	*(167,031,493,000)*	
Adjustments for interfund and intragovernmental transactions	*(-43,723,976,000)*	*(-43,723,976,000)*	
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	[27] 406,281,005,434	[28] 400,113,361,951	-6,167,643,483
Transition period	85,480,984,914	83,406,054,499	-2,074,930,415
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(268,312,351,434)*	*(262,194,919,839)*	*(-6,117,431,595)*
Transition period	*(49,641,474,914)*	*(47,575,114,499)*	*(-2,066,360,415)*
Rescission acts	[29] *(-2,633,306,226)*	*(-287,291,174)*	*(-287,291,174)*
Appropriations in legislative acts	*(10,000,000,000)*	[30] *(10,237,079,286)*	*(+237,079,286)*
Transition period (net)		*(-8,570,000)*	*(-8,570,000)*
Permanent appropriations, Federal and trust funds	*(182,234,795,000)*	*(182,234,795,000)*	
Transition period	*(46,570,059,000)*	*(46,570,059,000)*	
Adjustments for interfund and intragovernmental transactions	*(-54,266,141,000)*	*(-54,266,141,000)*	
Transition period	*(-10,730,549,000)*	*(-10,730,549,000)*	
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[31] 452,558,401,535	[32] 444,664,800,880	-7,893,600,655
Transition period	3,667,308,225	[33] 8,507,078,440	+4,839,770,215
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(280,825,058,535)*	*(277,503,235,407)*	*(-3,321,823,128)*
Transition period (net)	*(3,579,808,225)*	*(4,812,230,180)*	*(+1,232,421,955)*
Rescission acts	[29] *(-2,721,032,655)*	*(-70,656,000)*	*(-70,656,000)*
Transition period	*(-45,600,000)*	*(-5,175,000)*	*(-5,175,000)*
Appropriations in legislative acts	*(6,950,000,000)*	[34] *(2,448,878,473)*	*(-4,501,121,527)*
Transition period	*(87,500,000)*	[35] *(3,700,023,260)*	*(+3,612,523,260)*
Permanent appropriations, Federal and trust funds	*(227,151,661,000)*	*(227,151,661,000)*	
Adjustments for interfund and intragovernmental transactions	*(-62,368,318,000)*	*(-62,368,318,000)*	

See footnotes on pp. 1971–1973.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	[36] $540,713,958,174	[37] $527,330,473,509	-$13,383,484,665
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(366,590,877,174)*	*(354,014,030,783)*	*(-12,576,846,391)*
Rescission acts	[29] *(-1,779,480,000)*	*(-807,640,000)*	*(-807,640,000)*
Appropriations in legislative acts		[38] *(1,001,726)*	*(+1,001,726)*
Permanent appropriations, Federal and trust funds	*(235,215,056,000)*	*(235,215,056,000)*	
Adjustments for interfund and intragovernmental transactions	*(-61,091,975,000)*	*(-61,091,975,000)*	
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	[39] 597,475,620,701	[40] 579,378,264,134	-18,097,356,567
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(373,829,695,701)*	*(353,538,353,730)*	*(-20,291,341,971)*
Rescission acts	[29] *(-603,255,000)*	*(-55,255,000)*	*(-55,255,000)*
Appropriations in legislative acts	*(17,349,285,000)*	[41] *(19,598,525,404)*	*(+2,249,240,404)*
Permanent appropriations:			
Federal and trust funds	*(269,875,638,000)*	*(269,875,638,000)*	
Adjustments for interfund and intragovernmental transactions	*(-63,578,998,000)*	*(-63,578,998,000)*	
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[42] 638,492,625,836	[43] 623,190,712,474	(−15,301,913,362)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(402,717,061,836)*	*(388,138,756,291)*	*(−14,578,305,545)*
Rescission acts	[29] *(−914,617,000)*	*(−723,609,000)*	*(−723,609,000)*
Appropriations in legislative acts		[44] *(+1,183)*	*(+1,183)*
Permanent appropriations:			
Federal and trust funds	*(308,995,920,000)*	*(308,995,920,000)*	
Adjustments for interfund and intragovernmental transactions	*(−73,220,356,000)*	*(−73,220,356,000)*	
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	[45] 716,540,499,292	[46] 696,792,053,346	(−19,748,445,946)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(453,514,910,292)*	*(433,765,621,344)*	*(−19,749,288,948)*
Rescission acts			
Appropriations in legislative acts		[44] *(+843,002)*	*(+843,002)*
Permanent appropriations:			
Federal and trust funds	*(351,616,467,000)*	*(351,616,467,000)*	
Adjustments for interfund and intragovernmental transactions	*(−88,590,878,000)*	*(−88,590,878,000)*	

See footnotes on pp. 1971–1973.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	[47] $770,438,061,450	[48] $755,274,775,261	−$15,163,286,189
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(452,000,228,450)*	*(436,836,942,261)*	*(−15,163,286,189)*
Rescission acts	....	....	....
Appropriations in legislative acts	....	....	....
Permanent appropriations:			
Federal and trust funds	*(427,399,947,000)*	*(427,399,947,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−108,962,114,000)*	*(−108,962,114,000)*	....
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	[49] 855,549,160,484	[50] 862,835,894,982	+7,286,734,498
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(511,543,914,484)*	*(507,201,582,060)*	*(−4,342,332,424)*
Rescission acts	....	....	....
Appropriations in legislative acts	*(3,220,000,000)*	*(14,849,000,000)*	*(+11,629,000,000)*
Private appropriation acts	....	*(66,922)*	*(+66,922)*
Permanent appropriations:			
Federal and trust funds	*(475,786,994,000)*	*(475,786,994,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−135,001,748,000)*	*(−135,001,748,000)*	....
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	[51] 930,234,128,985	[52] 946,627,586,722	+16,393,457,737
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(543,716,482,985)*	*(549,717,909,104)*	*(+6,001,426,119)*
Rescission acts	....	....	....
Appropriations in legislative acts	*(14,950,000,000)*	*(25,342,000,000)*	*(+10,392,000,000)*
Private appropriation acts	....	*(31,618)*	*(+31,618)*
Permanent appropriations:			
Federal and trust funds	*(519,189,631,000)*	*(519,189,631,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−147,621,985,000)*	*(−147,621,985,000)*	....
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	[53] 1,015,565,170,980	[54] 997,027,809,066	−18,537,361,914
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(579,375,055,980)*	*(560,627,524,986)*	*(−18,747,530,994)*
Rescission acts	....	....	....
Appropriations in legislative acts	....	*(210,000,000)*	*(+210,000,000)*
Private appropriation acts	....	*(169,080)*	*(+169,080)*
Permanent appropriations:			
Federal and trust funds	*(619,354,391,000)*	*(619,354,391,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−183,164,276,000)*	*(−183,164,276,000)*	....

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[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.

[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.

[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.

[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.

[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.

[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.

[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.

[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.

[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90–218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000.

[10] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.

[11] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2. "Compilers' Notes", p. IV. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.

[12] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $1,651,000,000 requested in 1970 for fiscal year 1971.

[13] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $214,000,000 appropriated in 1970 for fiscal year 1971.

[14] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.

[15] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.

[16] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.

[17] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.

[18] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $131,181,000 requested in 1973 for fiscal year 1974.

[19] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $131,181,000 appropriated in 1973 for fiscal year 1974.

[20] Includes appropriations totaling $33,499,495,500 in continuing resolution (Public Law 92–571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, and Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects an increase of $46,794,500 in the amount for Labor–HEW carried in the 1972–1973 volume due to later estimates.

[21] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* (1) $90,360,000 requested in 1974 for fiscal year 1975 and (2) proposed rescissions of fiscal year 1973 appropriations of $198,055,000; and *exclude* (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescisions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.

[22] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* (1) $90,360,000 appropriated in 1974 for fiscal year 1975 and (2) rescissions of fiscal year 1973 appropriations totaling $212,412,000; and *excludes* action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000.

[23] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,391,561,000 requested in fiscal year 1975 for fiscal year 1976, and proposed rescissions totaling $1,455,116,000 in regular appropriation and rescission acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[24] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,428,597,000 appropriated in fiscal 1975 for fiscal year 1976, and rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[25] Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-out cost of annual contract authority made available through Public Law 93–383.

[26] Includes private acts totaling $165,913.

[27] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,417,777,000 requested in fiscal year 1976 for fiscal year 1977, and *exclude* proposed rescissions totaling $25,000,000 considered in a regular annual appropriation act (Public Law 94–134).

[28] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,653,410,852 appropriated in fiscal year 1976 for fiscal year 1977, and rescissions totaling $702,291,174 consisting of $25,000,000 in a regular annual appropriation act, $287,291,174 in rescission acts and $390,000,000 in a legislative act.

[29] Estimates not reflected in totals.

[30] Includes private acts totaling $27,286.

[31] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $95,421,779 for fiscal year 1978 and $90,000,000 for fiscal year 1979 requested in fiscal year 1977.

[32] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 appropriated in fiscal year 1977, and rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts.

[33] Reflects rescissions of $5,175,000.

[34] Includes private acts totaling $878,473.

[35] Includes private acts totaling $23,260.

[36] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $120,200,000 for fiscal year 1980 requested in fiscal year 1978.

[37] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $152,000,000 for fiscal year 1980 appropriated in fiscal year 1978, and rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[38] Includes private acts totaling $1,726.

[39] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $17,646,443,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). This amount has been increased by $198,300,000 above the $17,448,143,000 referred to in footnote 39 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Budget estimates also *include* $9,835,000,000 for fiscal year 1980, $4,627,000,000 for fiscal year 1981; and $4,465,000,000 for fiscal year 1982 requested in fiscal year 1979.

[40] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). Estimates for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Appropriations figure also includes $5,136,500,000 for fiscal year 1980, $5,615,000,000 for fiscal year 1981, and $4,374,000,000 for fiscal year 1982 appropriated in fiscal year 1979, and rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[41] Includes private acts totaling $1,325,404.

[42] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $662,319,000 excluded from the 1979–80 volume (96th Congress, 1st session) for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). This amount has been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Budget estimates also include $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 requested in fiscal year 1980.

[43] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Appropriations figures includes $1,146,946,000, excluded from the 1979–80 volume (96th Congress, 1st session), for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). Estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Appropriations figure also *includes* $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 appropriated in fiscal year 1980, and rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,00 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[44] Consists of private appropriation acts.

[45] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $198,100,000 for fiscal year 1982; and $172,000,000 for fiscal year 1983 requested in fiscal year 1981. Budget estimates *exclude* $6,954,927,000 for fiscal year 1981 to liquidate "indefinite" budget authority requested in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no estimates included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts), but *include* $6,914,793,000 in "indefinite" budget authority for fiscal year 1981 which will be adjusted in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[46] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 appropriated in fiscal year 1981, and rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Totals also *exclude* $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no figures provided in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). *Includes* authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[47] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $1,750,753,000 for fiscal year 1983; and $93,500,000 for fiscal year 1984 requested in fiscal year 1982. Budget estimates *exclude* $6,466,410,000 for fiscal year 1982 to liquidate "indefinite" budget authority requested in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 carried in 1980–81 volume), but *include* $4,916,000,000 in "indefinite" budget authority for fiscal year 1982 which will be adjusted in fiscal year 1983 (1982–83 volume) when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[48] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $1,787,341,000 for fiscal year 1983; and $105,600,000 for fiscal year 1984 appropriated in fiscal year 1982, and rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Totals also *exclude* $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services ($6,914,793,000 included in 1980–81 volume). *Includes* authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 (1982–83 volume) when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[49] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 2, "Compilers' Notes", p. IV: Budget estimates *include* $5,919,703,000. for fiscal year 1984 and $85,000,000 for fiscal year 1985 requested in fiscal year 1983. Budget estimates *exclude* $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981–82 volume). See table VIII footnote 22 on p. 1535, 1982–83 volume, for accounts involved.

[50] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $6,976,000,000 for fiscal year 1984; and $130,000,000 for fiscal year 1985 appropriated in fiscal year 1983, and rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Totals also *exclude* $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981–82 volume). See table VIII footnote 22 on p. 1535, 1982–83 volume, for accounts involved.

[51] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $7,442,204,000 for fiscal year 1985 and $75,000,000 for fiscal year 1986 requested in fiscal year 1984. Budget estimates *exclude* $35,378,000 for fiscal year 1984 to liquidate "indefinite" budget authority requested in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983–84 volume, for accounts involved.

[52] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 appropriated in fiscal year 1984, and rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Totals also *exclude* $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983–84 volume, for accounts involved.

[53] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $10,568,609,000 for fiscal year 1986 and $100,000,000 for fiscal year 1987 requested in fiscal year 1985. Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984–85 volume, for accounts involved.

[54] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 appropriated in fiscal year 1985, and rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Totals also *exclude* $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984–85 volume, for accounts involved.

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X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938-68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
42d Cong., 2d sess., fiscal year 1873 and prior years	$330,546,360	....	$330,546,360
42d Cong., 3d sess., fiscal year 1874 and prior years	344,535,209	....	344,535,209
43d Cong., 1st sess., fiscal year 1875 and prior years	330,441,844	....	330,441,844
43d Cong., 2d sess., fiscal year 1876 and prior years	322,013,149	....	322,013,149
44th Cong., 1st sess., fiscal year 1877 and prior years	299,150,125	....	299,150,125
44th Cong., 2d sess., fiscal year 1878 and prior years	291,220,477	....	291,220,477
45th Cong., 1st and 2d sess., fiscal year 1879 and prior years	317,924,555	....	317,924,555
45th Cong., 3d sess., and 46th Cong., 1st sess., fiscal year 1880 and prior years	338,865,031	....	338,865,031
46th Cong., 2d sess., fiscal year 1881 and prior years	332,791,077	....	332,791,077
46th Cong., 3d sess., fiscal year 1882 and prior years	361,922,068	....	361,922,068
47th Cong., 1st sess., fiscal year 1883 and prior years	423,827,294	....	423,827,294
47th Cong., 2d sess., fiscal year 1884 and prior years	349,463,261	....	349,463,261
48th Cong., 1st sess., fiscal year 1885 and prior years	306,077,470	....	306,077,470
48th Cong., 2d sess., fiscal year 1886 and prior years	344,504,413	....	344,504,413
49th Cong., 1st sess., fiscal year 1887 and prior years	383,245,914	....	383,245,914
49th Cong., 2d sess., fiscal year 1888 and prior years	365,430,333	....	365,430,333
50th Cong., 1st sess., fiscal year 1889 and prior years	422,867,168	....	422,867,168
50th Cong., 2d sess., fiscal year 1890 and prior years	395,430,284	....	395,430,284
51st Cong., 1st sess., fiscal year 1891 and prior years	463,383,480	....	463,383,480
51st Cong., 2d sess., fiscal year 1892 and prior years	524,381,816	....	524,381,816
52d Cong., 1st sess., fiscal year 1893 and prior years	507,376,398	....	507,376,398
52d Cong., 2d sess., fiscal year 1894 and prior years	519,535,293	....	519,535,293
53d Cong., 1st and 2d sess., fiscal year 1895 and prior years	492,477,460	....	492,477,460

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
53d Cong., 3d sess., fiscal year 1896 and prior years	$496,982,585		$496,982,585
54th Cong., 1st sess., fiscal year 1897 and prior years	515,852,380		515,852,380
54th Cong., 2d sess. and 55th Cong., 1st sess., fiscal year 1898 and prior years	528,735,878		528,735,878
55th Cong., 2d sess., fiscal year 1899 and prior years	892,656,776		892,656,776
55th Cong., 3d sess., fiscal year 1900 and prior years	698,912,893		698,912,893
56th Cong., 1st sess., fiscal year 1901 and prior years	705,653,298		705,653,298
56th Cong., 2d sess., fiscal year 1902 and prior years	730,241,863		730,241,863
57th Cong., 1st sess., fiscal year 1903 and prior years	801,682,773		801,682,773
57th Cong., 2d sess., fiscal year 1904 and prior years	752,741,659		752,741,659
58th Cong., 1st and 2d sess., fiscal year 1905 and prior years	781,288,215		781,288,215
58th Cong., 3d sess., fiscal year 1906 and prior years	818,191,283		818,191,283
59th Cong., 1st sess., fiscal year 1907 and prior years	881,953,644		881,953,644
59th Cong., 2d sess., fiscal year 1908 and prior years	919,163,823		919,163,823
60th Cong., 1st sess., fiscal year 1909 and prior years	1,006,431,727		1,006,431,727
60th Cong., 2d sess., fiscal year 1910 and prior years	1,044,433,623		1,044,433,623
61st Cong., 1st and 2d sess., fiscal year 1911 and prior years	1,039,550,617		1,039,550,617
61st Cong. 3d sess., fiscal year 1912 and prior years	1,022,759,949		1,022,759,949
62d Cong., 1st and 2d sess., fiscal year 1913 and prior years	1,021,349,991		1,021,349,991
62d Cong., 3d sess., fiscal year 1914 and prior years	1,098,602,066		1,098,602,066
63d Cong., 1st and 2d sess., fiscal year 1915 and prior years	1,122,471,919		1,122,471,919
63d Cong., 3d sess., fiscal year 1916 and prior years	1,114,490,704		1,114,490,704
64th Cong., 1st sess., fiscal year 1917 and prior years	1,628,441,645		1,628,441,645
64th Cong., 2d sess. and 65th Cong., 1st sess., fiscal year 1918 and prior years	18,881,940,244		18,881,940,244
65th Cong., 2d sess., fiscal year 1919 and prior years	27,065,148,933		27,065,148,933
65th Cong., 3d sess. and 66th Cong., 1st sess., fiscal year 1920 and prior years	6,454,596,650		6,454,596,650
66th Cong., 2d sess., fiscal year 1921 and prior years	4,780,829,510		4,780,829,510
66th Cong., 3d sess., and 67th Cong., 1st sess. (to July 12, 1921), fiscal year 1922 and prior years	3,909,282,209		3,909,282,209

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
67th Cong., 1st sess. (from July 12, 1921), and 67th Cong., 2d sess. (to July 1, 1922), fiscal year 1923 and prior years	$4,248,140,570		$4,248,140,570
67th Cong., 2d sess. (from July 2, 1922), and 67th Cong., 3d sess. and 67th Cong., 4th sess., fiscal year 1924 and prior years	4,092,544,312		4,092,544,312
68th Cong., 1st sess., fiscal year 1925 and prior years	3,748,651,750		3,748,651,750
68th Cong., 2d sess., fiscal year 1926 and prior years	4,151,682,050		4,151,682,050
69th Cong., 1st sess., fiscal year 1927 and prior years	4,409,463,390		4,409,463,390
69th Cong., 2d sess., fiscal year 1928 and prior years	4,211,011,353		4,211,011,353
70th Cong., 1st sess., fiscal year 1929 and prior years	4,633,577,974		4,633,577,974
70th Cong., 2d sess., fiscal year 1930 and prior years	4,665,236,678		4,665,236,678
71st Cong., 1st and 2d sess., fiscal year 1931 and prior years	5,071,711,694		5,071,711,694
71st Cong., 3d sess., fiscal year 1932 and prior years	5,178,524,968		5,178,524,968
72d Cong., 1st sess., fiscal year 1933 and prior years	5,785,252,642		5,785,252,642
72d Cong., 2d sess. and 73d Cong., 1st sess., fiscal year 1934 and prior years	7,692,447,339		7,692,447,339
73d Cong., 2d sess., fiscal year 1935 and prior years	7,527,559,328		[1] 7,527,559,328
74th Cong., 1st sess., fiscal year 1936 and prior years	9,579,757,330		9,579,757,330
74th Cong., 2d sess., fiscal year 1937 and prior years	10,336,399,273		10,336,399,273
75th Cong., 1st sess., fiscal year 1938 and prior years	9,183,701,741	$172,473,242	9,356,174,983
75th Cong., 2d and 3d sess., fiscal year 1939 and prior years	10,338,996,190	1,022,819,464	11,361,815,654
76th Cong., 1st sess., fiscal year 1940 and prior years	11,447,634,077	1,904,152,417	13,351,786,494
76th Cong., 2d and 3d sess., fiscal year 1941 nd prior years	16,878,865,242	2,193,125,902	19,071,991,144
77th Cong., 1st sess., fiscal year 1942 and prior years	57,792,715,367	3,062,440,985	60,855,156,352
77th Cong., 2d sess., fiscal year 1943 and prior years to Oct. 31, 1942	147,071,208,962	3,861,678,074	150,932,887,036
78th Cong., 1st sess., fiscal year 1944 and prior years	114,564,008,595	4,642,328,744	119,206,337,339
78th Cong., 2d sess., fiscal year 1945 and prior fiscal years	67,614,266,775	6,749,006,538	74,363,273,313
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	69,780,137,110	6,662,202,694	76,442,339,804
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,734,209,165	4,653,376,295	40,387,585,460
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	35,982,887,708	5,487,396,936	41,470,284,644

See footnotes on pp. 1982–1983.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	$41,675,480,957	$5,480,063,813	$47,155,544,770
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	46,497,456,898	6,517,603,514	53,015,060,412
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	81,045,040,441	6,632,999,495	87,678,039,936
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	101,117,786,897	8,127,323,548	109,245,110,445
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	85,999,646,411	8,532,644,348	94,532,290,759
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	65,156,254,797	8,999,782,171	74,156,036,968
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	58,160,445,563	9,891,179,453	68,051,625,016
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	63,947,281,321	10,871,988,245	74,819,269,566
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	73,041,364,417	11,679,248,757	84,720,613,174
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,064,958,328	15,610,607,572	88,675,565,900
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,119,818,276	16,382,991,651	[2] 97,502,809,927
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	81,572,357,732	19,495,828,782	[2] 101,068,186,514
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	83,799,241,957	22,329,891,675	[2] 106,129,133,632
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	96,194,946,610	24,915,218,285	[2] 121,110,164,895
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	102,661,536,812	27,401,377,000	[2] 130,062,913,812
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	103,798,634,671	29,472,357,040	[2] 133,270,991,711
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	106,070,110,056	30,929,694,000	[2] 136,999,804,056
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	119,310,113,527	32,747,251,540	[2] 152,057,365,067
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	143,883,626,282	41,830,618,000	[2] 185,714,244,282
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	156,917,115,912	48,205,647,000	[2] 205,122,762,912
90th Cong., 2d sess., fiscal year 1969 and prior years	142,524,357,324	54,012,887,000	[2] 196,537,244,324
Consisting of:			
Regular annual and supplemental appropriation acts	*(133,339,868,734)*		*(133,339,868,734)*
Appropriations in legislative acts	*(2,999,227,590)*		*(2,999,227,590)*
Permanent appropriations	*(18,985,261,000)*	*(54,012,887,000)*	*(72,998,148,000)*
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*		*(−12,800,000,000)*

See footnotes on pp. 1982–1983.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	$146,628,658,494	$60,619,823,000	[2] $207,248,481,494
Consisting of:			
Regular annual and supplemental appropriation acts	*(134,431,463,135)*		*(134,431,463,135)*
Appropriations in legislative acts	*(4,680,127,359)*		*(4,680,127,359)*
Permanent appropriations	*(21,432,593,000)*	*(60,619,823,000)*	*(82,052,416,000)*
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*		*(−13,915,525,000)*
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	166,758,720,882	65,381,174,000	[2] 232,139,894,882
Consisting of:			
Regular annual and supplemental appropriation acts	*(144,273,528,504)*		*(144,273,528,504)*
Appropriations in legislative acts	*(18,039,291,378)*		*(18,039,291,378)*
Permanent appropriations	*(22,678,668,000)*	*(65,381,174,000)*	*(88,059,842,000)*
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*		*(−18,232,767,000)*
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	170,300,119,635	75,407,481,000	[2] 245,707,600,635
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(165,300,661,865)*		(165,300,661,865)
Appropriations in legislative acts	*(46,645,770)*		*(46,645,770)*
Permanent appropriations	*(25,357,210,000)*	*(75,407,481,000)*	*(100,764,691,000)*
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*		*(−20,404,398,000)*
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	[3] 193,474,986,934	91,307,552,000	[2] [3] 284,782,538,934
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[3] *(179,006,901,364)*		[3] *(179,006,901,364)*
Appropriations in legislative acts	*(11,200,404,169)*		*(11,200,404,169)*
Permanent appropriations	*(27,182,326,401)*	*(91,307,552,000)*	*(118,489,878,401)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*		*(−23,914,645,000)*
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	[4] 182,480,509,654	120,995,727,000	[2] [4] 303,476,236,654
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[4] *(174,902,319,304)*		[4] *(174,902,319,304)*
Appropriations in legislative acts	*(3,940,372,350)*	*(12,462,940,000)*	*(16,403,312,350)*
Permanent appropriations	*(40,895,808,000)*	*(108,532,787,000)*	*(149,428,595,000)*
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*		*(−37,257,990,000)*
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	[5] 268,304,872,427	121,736,261,000	[2] [5] 390,041,133,427
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(204,012,311,514)*		*(204,012,311,514)*
Appropriations in legislative acts	*(62,568,804,913)*	*(152,500,000)*	*(62,721,304,913)*
Permanent appropriations	*(45,447,732,000)*	*(121,583,761,000)*	*(167,031,493,000)*
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*		*(−43,723,976,000)*

See footnotes on pp. 1982–1983.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	$269,391,509,951	$130,721,852,000	[2] [6] $400,113,361,951
Transition period	49,782,823,499	33,623,231,000	[7] 83,406,054,499
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(262,194,919,839)*		*(262,194,919,839)*
Transition period	*(47,575,114,499)*		*(47,575,114,499)*
Rescission acts	*(−287,291,174)*		*(−287,291,174)*
Appropriations in legislative acts	*(10,627,079,286)*	*(−390,000,000)*	*(10,237,079,286)*
Transition period (net)	[8] *(−8,570,000)*		[8] *(−8,570,000)*
Permanent appropriations	*(51,122,943,000)*	*(131,111,852,000)*	*(182,234,795,000)*
Transition period	*(12,946,828,000)*	*(33,623,231,000)*	*(46,570,059,000)*
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*		*(−54,266,141,000)*
Transition period	*(−10,730,549,000)*		*(−10,730,549,000)*
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[9] 288,220,964,880	156,443,836,000	[2] [9] 444,664,800,880
Transition period	4,792,078,440	3,715,000,000	[10] 8,507,078,440
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(277,157,958,407)*	*(345,277,000)*	*(277,503,235,407)*
Transition period (net)	*(4,797,230,180)*	*(15,000,000)*	*(4,812,230,180)*
Rescission acts	*(−70,656,000)*		*(−70,656,000)*
Transition period	*(−5,175,000)*		*(−5,175,000)*
Appropriations in legislative acts	*(878,473)*	*(2,448,000,000)*	*(2,448,878,473)*
Transition period	*(23,260)*	*(3,700,000,000)*	*(3,700,023,260)*
Permanent appropriations	*(63,037,720,000)*	*(164,113,941,000)*	*(227,151,661,000)*
Adjustments for interfund and intragovernmental transactions	[11] *(−51,904,936,000)*	*(−10,463,382,000)*	*(−62,368,318,000)*
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	[12] 360,785,368,842	166,545,104,667	[2] [12] 527,330,473,509
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(353,317,494,116)*	*(696,536,667)*	[2] *(354,014,030,783)*
Rescission acts	*(−807,640,000)*		*(−807,640,000)*
Appropriations in legislative acts	*(1,001,726)*		*(1,001,726)*
Permanent appropriations	*(56,830,073,000)*	*(178,384,983,000)*	*(235,215,056,000)*
Adjustments for interfund and intragovernmental transactions	[13] *(−48,555,560,000)*	*(−12,536,415,000)*	*(−61,091,975,000)*
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	[14] 372,683,967,134	206,694,297,000	[2] [14] 579,378,264,134
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(352,638,885,730)*	*(899,468,000)*	[2] *(353,538,353,730)*
Rescission acts	*(−55,255,000)*		*(−55,255,000)*
Appropriations in legislative acts	*(7,325,404)*	*(19,591,200,000)*	*(19,598,525,404)*
Permanent appropriations	*(70,749,391,000)*	*(199,126,247,000)*	*(269,875,638,000)*
Adjustments for interfund and intragovernmental transactions	[13] *(−50,656,380,000)*	*(−12,922,618,000)*	*(−63,578,998,000)*

See footnotes on pp. 1982–1983.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[16] $408,773,914,474	$214,416,798,000	[2] [16] $623,190,712,474
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(386,521,933,291)*	*(1,616,823,000)*	[2] *(388,138,756,291)*
Rescission acts	*(−723,609,000)*		*(−723,609,000)*
Appropriations in legislative acts	*(1,183)*		*(1,183)*
Permanent appropriations	*(81,676,152,000)*	*(227,319,768,000)*	*(308,995,920,000)*
Adjustments for interfund and intragovernmental transactions	[17] *(−58,700,563,000)*	*(−14,519,793,000)*	*(−73,220,356,000)*
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	453,756,787,346	243,035,266,000	[2] [18] 696,792,053,346
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(432,276,712,344)*	*(1,488,909,000)*	[2] *(433,765,621,344)*
Rescission acts			
Appropriations in legislative acts	*(843,002)*		*(843,002)*
Permanent appropriations	*(96,152,253,000)*	*(255,464,214,000)*	*(351,616,467,000)*
Adjustments for interfund and intragovernmental transactions	[19] *(−74,673,021,000)*	*(−13,917,857,000)*	*(−88,590,878,000)*
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	469,951,845,261	285,322,930,000	[2] [20] 755,274,775,261
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(434,404,409,261)*	*(2,432,533,000)*	[2] *(436,836,942,261)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations	*(128,820,043,000)*	*(298,579,904,000)*	*(427,399,947,000)*
Adjustments for interfund and intragovernmental transactions	[21] *(−93,272,607,000)*	*(−15,689,507,000)*	*(−108,962,114,000)*
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	546,140,042,982	316,695,852,000	[2] [22] 862,835,894,982
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(504,216,739,060)*	*(2,984,843,000)*	*(507,201,582,060)*
Rescission acts			
Appropriations in legislative acts		*(14,849,000,000)*	*(14,849,000,000)*
Private appropriation acts	*(66,922)*		*(66,922)*
Permanent appropriations	*(155,879,910,000)*	*(319,907,084,000)*	*(475,786,994,000)*
Adjustments for interfund and intragovernmental transactions	[23] *(−113,956,673,000)*	*(−21,045,075,000)*	*(−135,001,748,000)*

See footnotes on pp. 1982–1983.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 98th Cong., 2d sess., are based on estimates in the February 1984 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	$599,648,521,722	$346,979,065,000	[2,24] $946,627,586,722
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(547,336,540,104)*	*(2,381,369,000)*	*(549,717,909,104)*
Rescission acts	....	....	....
Appropriations in legislative acts	*(23,000,000)*	*(25,319,000,000)*	*(25,342,000,000)*
Private appropriation acts	*(31,618)*	....	*(31,618)*
Permanent appropriations	*(173,040,153,000)*	*(346,149,478,000)*	*(519,189,631,000)*
Adjustments for interfund and intragovernmental transactions	[25] *(−120,751,203,000)*	*(−26,870,782,000)*	*(−147,621,985,000)*
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	602,424,350,066	394,603,459,000	[2,26] 997,027,809,066
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(556,131,053,986)*	*(4,496,471,000)*	*(560,627,524,986)*
Rescission acts	....	....	....
Appropriations in legislative acts	*(75,000,000)*	*(135,000,000)*	*(210,000,000)*
Private appropriation acts	*(169,080)*	....	*(169,080)*
Permanent appropriations	*(202,168,366,000)*	*(417,186,025,000)*	*(619,354,391,000)*
Adjustments for interfund and intragovernmental transactions	[27] *(−155,950,239,000)*	*(−27,214,037,000)*	*(−183,164,276,000)*

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[1] Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

[2] Total funds for the following years are qualified as indicated:

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	$4,708,950,000	$633,349,085	....
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	5,402,200,000	633,349,085	....
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	6,053,675,000	633,349,085	....
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	5,986,825,000	680,849,085	....
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	6,554,000,000	680,849,085	....
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	6,235,134,000	680,849,085	....
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	5,035,100,000	680,849,085	....
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	6,243,000,000	680,849,085	$926,000,000
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	7,573,000,000	680,849,085	875,000,000
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	10,700,000,000	680,849,085	995,000,000
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	11,161,000,000	680,849,085	1,965,814,000
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	12,822,500,000	680,849,085	214,000,000
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	16,075,187,000	680,849,085	150,000,000
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	18,890,425,332	680,849,085	174,321,000
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	18,787,584,008	680,849,085	131,181,000
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	25,628,844,731	680,849,085	90,360,000
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	27,970,932,506	680,849,085	2,428,597,000
94th Cong., 1st sess., fiscal year 1976 and prior fiscal years	39,906,309,490	680,849,085	2,653,410,852
Transition period (July 1, 1977 – Sept. 30, 1976)	2,388,185,173	....	....
94th Cong., 2d sess., fiscal year 1977 and prior fiscal years	33,566,777,877	680,849,085	[28] 813,249,779
95th Cong., 1st sess., fiscal year 1978 and prior fiscal years	36,178,035,326	680,849,085	[29] 152,000,000
95th Cong., 2d sess., fiscal year 1979 and prior fiscal years	39,324,935,206	680,849,085	[30] 15,125,500,000
96th Cong., 1st sess., fiscal year 1980 and prior fiscal years	41,350,321,605	680,849,085	[31] 334,000,000
96th Cong., 2d sess., fiscal year 1981 and prior fiscal years	53,504,051,402	680,849,085	[32] 338,000,000
97th Cong., 1st sess., fiscal year 1982 and prior fiscal years	62,249,552,530	680,849,085	[33] 1,892,941,000
97th Cong., 2d sess., fiscal year 1983 and prior fiscal years	73,405,943,810	680,849,085	[34] 7,106,000,000
98th Cong., 1st sess., fiscal year 1984 and prior fiscal years	87,800,770,203	680,849,085	[35] 7,902,000,000
98th Cong., 2d sess., fiscal year 1985 and prior fiscal years	84,561,228,427	680,849,085	[36] 11,085,169,000

[3] Includes appropriations totaling $33,499,495,500 in continuing resolution (P.L. 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[4] Reflects rescissions totaling $212,412,000 of fiscal year 1973 appropriations. Does not reflect action by the Congress in declining to approve proposed rescissions of fiscal year 1972 appropriations totaling $382,999,000.

[5] Reflects rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427, 1974–1975 volume, for detail).

[6] Reflects rescissions totaling $702,291,174 consisting of $25,000,000 (Federal funds) in a regular annual appropriation act, $287,291,174 (Federal funds) in rescission acts, and $390,000,000 (trust funds) in a legislative act (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[7] Reflects rescissions of $14,400,000 in legislative acts (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[8] Consists of new budget (obligational) authority of $5,830,000 and rescissions of $14,400,000 (see table VIIIa on pp. 1230–1231, 1975–1976 volume, for detail).

[9] Reflects rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts (see table VIIIh, 1976–1977 volume, for detail).

[10] Reflects rescissions of $5,175,000 (see table VIIIh, 1976–1977 volume, for detail).

[11] Consists of $14,728,128,000 in Federal funds and $37,176,808,000 in interfund transactions.

[12] Reflects rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts (see table VIIIi, 1977-78 volume, for detail. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[13] Consists of $12,130,868,000 in Federal funds and $36,424,692,000 in interfund transactions.

[14] Includes $15,427,919,00, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and Related Agencies funded at the "current rate" under section 101(a) of the continuing resolution (Public Law 95–482) (see p. 319, 1978–79 volume). Budget estimates for these activities total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 14 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Reflects rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts (see table VIIIk, 1978–79 volume, for details). Also reflects rescision of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[15] Consists of $13,158,914,000 in Federal funds and $37,497,466,000 in interfund transactions.

[16] Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Department of Health, Education and Welfare and related agencies funded at the "current rate" under section 101(c) of the further continuing resolution (Public Law 96–123, see p. 288, 1979–80 volume). Budget estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 16 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Reflects rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,000 in the budget rescission act (see table VIIIh 1979–80 volume). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. The amount for permanent contract authority is shown in the estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[17] Consists of $16,335,625,000 in Federal funds and $42,364,938,000 in interfund transactions.

[18] Reflects rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no amounts included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). Includes authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[19] Consists of $26,402,993,000 in Federal funds and $48,270,028,000 in interfund transactions.

[20] Reflects rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume). Includes authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[21] Consists of $34,835,543,000 in Federal funds and $58,437,064,000 in interfund transactions.

[22] Reflects rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,615,600,000 for fiscal year 1982 carried in 1981-82 volume). See table VIII footnote 22, on p. 1535, 1982-83 volume, for accounts involved.

[23] Consists of $49,761,582,000 in Federal funds and $64,195,091,000 in interfund transactions.

[24] Reflects rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Excludes $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7, on p. 1129, 1983–84 volume, for accounts involved.

[25] Consists of $45,497,986,000 in Federal funds and $75,253,217,000 in interfund transactions.

[26] Reflects rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984–85 volume, for accounts involved.

[27] Consists of $43,371,844,000 in Federal funds and $112,578,395,000 in interfund transactions.

[28] Includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 (2 years in advance of budget year).

[29] This amount is for fiscal year 1980 (2 years in advance of budget year).

[30] Includes $5,136,500,000 for fiscal year 1980; $5,615,000,000 for fiscal year 1981; and $4,374,000,000 for fiscal year 1982.

[31] Includes $162,000,000 for fiscal year 1981 and $172,000,000 for fiscal year 1982 (2 years in advance of budget year).

[32] Includes $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 (2 years in advance of budget year).

[33] Includes $1,752,341,000 for fiscal year 1983 and $105,600,000 for fiscal year 1984 (2 years in advance of budget year).

[34] Includes $6,976,000,000 for fiscal year 1984 and $130,000,000 for fiscal year 1985 (2 years in advance of budget year).

[35] Includes $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 (2 years in advance of budget year).

[36] Includes $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 (2 years in advance of budget year).

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- Related agencies—Title II:
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  - Treasury, Department of: Fund anticipation notes (*See* U.S. Railway Association.)

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  - Related agencies—Title II—Continued
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    - Washington Metropolitan Area Transit Authority (*See* Washington Metropolitan Area Transit Authority.)
  - Rescissions and deferrals (*See* Rescissions and deferrals reports.)
  - Transportation, Department of—Title I (*See* Transportation, Department of.)
- **Transportation, Department of—Title I [NOTE.—The Department of Transportation and Related Agencies appropriation bill, 1985 (H.R. 5921) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House on June 22, 1984. S. 2852 was reported by the Committee on Appropriations of the Senate on July 17, 1984. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(i) of Public Law 98–473, approved October 12, 1984, making further continuing appropriations for fiscal year 1985 (see pp. 383–400 for text of relevant part of Public Law 98–473, and pp. 1913–1916 for the table VIII showing estimates and funding levels by appropriation account).]:**
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- **Travel expenses:** Quarters and cost-of-living allowances (*See* General provisions under department or agency.)
- **Treasury, Department of—Title I [Note.—The following bill is a copy of H.R. 5798 as enrolled when the conference report (H. Rept. 98–993) was filed in the House of Representatives on September 6, 1984, except for sections 105 and 107 as explained below. The conference report was adopted by the House on September 12, 1984, but was not taken up by the Senate. Budget authority for programs and activities normally included in this bill is provided under section 101(j) of Public Law 98–473, making further continuing appropriations for fiscal year 1985. Section 101(j) of Public Law 98–473 provides "such sums as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service and General Government Appropriations Act, 1985 (H.R. 5798) to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as passed by the House of Representatives on September 12, 1984, as if enacted, into law (with the exception of the provisions involved in amendments numbered 24 and 26 which shall be effective as if enacted into law):". The following bill has been amended to include amendments numbered 24 and 26 as section 105 and section 107 on pp. 251–252. See p. 400 for text of section 101(j) of Public Law 98–473 and pp. 1917–1919 for the table VIII showing estimates and funding levels by appropriation account.]:**
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  - Ex-servicemen (*See* under Veterans' Administration.)
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